12. John M. Vorys.
13. Alvin F. Weichel.
14. Walter B. Huber.
15. P. W. Griffiths.
16. Henderson H. Carson.
17. J. Harry McGregor.
18. Earl R. Lewis.
19. Michael J. Kirwan.
20. Michael A. Feighan.
21. Robert Crosser.
22. Frances P. Bolton.

At large

George H. Bender.

OKLAHOMA

1. Geo. B. Schwabe.
2. William G. Stigler.
3. Carl Albert.
4. Glen D. Johnson.
5. Mike Monroney.
6. Toby Morris.
7. Preston E. Peden.
8. Ross Rizley.

OREGON

1. Walter Norblad.
2. Lowell Stockman.
3. Homer D. Angell.
4. Harris Ellsworth.

PENNSYLVANIA

1. James Gallagher.
2. Robert N. McGarvey.
3. Hardie Scott.
4. Franklin J. Maloney.
5. George W. Sarbacher, Jr.
6. Hugh D. Scott, Jr.
7. E. Wallace Chadwick.
8. Franklin H. Lichtenwalter.
9. Paul B. Dague.
10. James P. Scoblick.
11. Mitchell Jenkins.
12. Ivor D. Fenton.
13. Frederick A. Muhlenberg.
14. Wilson D. Gillette.
15. Robert F. Rich.
16. Samuel K. McConnell, Jr.
17. Richard M. Simpson.
18. John C. Kunkel.
19. Leon H. Gavin.
20. Francis E. Walter.
21. Chester H. Gross.
22. James E. Van Zandt.
23. W. J. Crow.
24. Thomas E. Morgan.
25. Louis E. Graham.
26. Harve Tibbott.
27. Augustine B. Kelley.
28. Carroll D. Kearns.
29. John McDowell.
30. Robert J. Corbett.
31. James G. Fulton.
32. Herman P. Eberharter.
33. Frank Buchanan.

RHODE ISLAND

1. Aime J. Forand.
2. John E. Fogarty.

SOUTH CAROLINA

1. L. Mendel Rivers.
2. John J. Riley.
3. W. J. Bryan Dorn.
4. Jos. R. Bryson.
5. James P. Richards.
6. John L. McMillan.

SOUTH DAKOTA

1. Karl E. Mundt.
2. Francis Case.

TENNESSEE

1. Dayton E. Phillips.
2. John Jennings, Jr.
3. Estes Kefauver.
4. Albert Gore.
5. Joe L. Evins.
6. J. Percy Priest.
7. Wirt Courtney.
8. Tom Murray.
9. Jere Cooper.
10. Clifford Davis.

TEXAS

1. Wright Patman.
2. J. M. Combs.
3. Lindley Beckworth.
4. Sam Rayburn.
5. J. Frank Wilson.
6. Olin E. Teague.
7. Tom Pickett.
8. Albert Thomas.
9. Clark W. Thompson.
10. Lyndon B. Johnson.
11. W. R. Poage.
12. Wingate H. Lucas.
13. Ed Gossett.
14. John E. Lyle.
15. Milton H. West.
16. Ken Regan.
17. Omar Burleson.
18. Eugene Worley.
19. George Mahon.
20. Paul J. Kilday.
21. O. C. Fisher.

UTAH

1. W. K. Granger.
2. William A. Dawson.

VERMONT

At large

Charles A. Plumley.

VIRGINIA

1. Schuyler Otis Bland.
2. Porter Hardy, Jr.
3. J. Vaughan Gary.
4. W. M. Abbitt.
5. Thos. B. Stanley.
6. J. Lindsay Almond, Jr.[1]
7. Burr P. Harrison.
8. Howard W. Smith.
9. John W. Flannagan, Jr.

WASHINGTON

1. Homer R. Jones.
2. Henry M. Jackson.
3. Russell V. Mack.
4. Hal Holmes.
5. Walter Franklin Horan.
6. Thor C. Tollefson.

WEST VIRGINIA

1. Francis J. Love.
2. Melvin C. Snyder.
3. Edward G. Rohrbough.
4. Hubert S. Ellis.
5. John Kee.
6. Erland H. Hedrick.

WISCONSIN

1. Lawrence H. Smith.
2. Glenn R. Davis.
3. Wm. H. Stevenson.
4. John C. Brophy.
5. Charles J. Kersten.
6. Frank B. Keefe.
7. Reid F. Murray.
8. John W. Byrnes.
9. Merlin Hull.
10. Alvin E. O'Konski.

WYOMING

At large

Frank A. Barrett.

[1] Resigned Apr. 17, 1948.

ALASKA

Delegate

E. L. Bartlett.

HAWAII

Delegate

Joseph R. Farrington.

PUERTO RICO

Resident Commissioner

A. Fernós-Isern.

SENATE

THURSDAY, MAY 13, 1948

(Legislative day of Monday, May 10, 1948)

The Senate met at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

O Lord our God, refresh us with Thy spirit to quicken our thinking and make us sensitive to Thy will.

We may be unconscious of our deepest needs, accustomed to things as they are, ceasing to desire any changes.

We may be unwilling to pay the price of better things.

Show us, Thy servants, the things that must be changed, that we hinder Thee no more. Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, May 12, 1948, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS AND JOINT RESOLUTION

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that the President had approved and signed the following acts and joint resolution:

On May 11, 1948:

S. 182. An act for the relief of Sgt. John H. Mott;

S. 576. An act for the relief of Dan C. Rodgers;

S. 1611. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near Sauk Rapids, Minn.;

S. 1648. An act to authorize the expenditure of income from Federal Prison Industries, Inc., for training of Federal prisoners;

S. 1806. An act for the relief of Ensign Merton H. Peterson, United States Naval Reserve;

S. 1875. An act for the relief of the estate of Francis D. Shoemaker; and

S. J. Res. 198. Joint resolution to authorize the Postmaster General to withhold the awarding of star-route contracts for a period of 60 days.

On May 12, 1948:

S. 1164. An act for the relief of Doris D. Chrisman;

S. 1298. An act to validate payments heretofore made by disbursing officers of the United States Government covering cost of shipment of household effects of civilian employees, and for other purposes; and

S. 1545. An act to authorize a bridge, roads and approaches, supports and bents, or other

structures, across, over, or upon lands of the United States within the limits of the Colonial National Historical Park at or near Yorktown, Va.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Swanson, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5669) to provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes.

The message also announced that the House had severally agreed to the amendments of the Senate to the following bills of the House:

H. R. 1308. An act for the relief of H. C. Biering;

H. R. 3350. An act relating to the rules for the prevention of collisions on certain inland waters of the United States and on the western rivers, and for other purposes;

H. R. 3505. An act authorizing an appropriation for investigating and rehabilitating the oyster beds damaged or destroyed by the intrusion of fresh water and the blockage of natural passages west of the Mississippi River in the vicinity of Lake Mechant and Bayou Severin, Terrebonne Parish, La., and by the opening of the Bonnet Carre spillway, and for other purposes;

H. R. 4892. An act to amend the act of July 23, 1947 (61 Stat. 409) (Public Law No. 219 of the Eightieth Congress);

H. R. 4966. An act directing the Secretary of the Interior to sell and lease certain houses, apartments, and lands in Boulder City, Nev.; and

H. R. 6067. An act authorizing the execution of an amendatory repayment contract with the Northport irrigation district, and for other purposes.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 197) to continue the Joint Committee on Housing beyond March 15, 1948, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

H. R. 3505. An act authorizing an appropriation for investigating the oyster beds damaged or destroyed by the intrusion of fresh water and the blockage of natural passages west of the Mississippi River in the vicinity of Lake Mechant and Bayou Severin, Terrebonne Parish, La., and by the opening of the Bonnet Carre spillway, and for other purposes; and

H. R. 4892. An act to amend the act of July 23, 1947 (61 Stat. 409) (Public Law No. 219 of the 80th Cong.).

SOUTHERN STATES COMPACT ON REGIONAL EDUCATION

The PRESIDENT pro tempore. Under the unanimous-consent agreement, the question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer the joint resolution (H. J. Res. 334) to the Committee on the Judiciary.

The time until 4 o'clock is to be divided, controlled by the Senator from Oregon [Mr. MORSE], 30 minutes, controlled by the Senator from Florida [Mr. HOLLAND], 3 hours and 30 minutes—paradoxically, on the question of equal rights. Neither Senator is in the Chamber at the moment.

EXTENSION OF RECONSTRUCTION FINANCE CORPORATION—CONFERENCE REPORT

Mr. WHERRY. Mr. President, I ask unanimous consent that the Senate temporarily lay aside the unfinished business and proceed to the consideration of the conference report on Senate bill 2287, the Reconstruction Finance Corporation bill, and that the time be divided, under the equal-rights suggestion of the distinguished President pro tempore, about 7 to 1, between the proponents and the opponents of the report.

The PRESIDENT pro tempore. The time will be figured out in some way.

Is there objection to the unanimous-consent request? The Chair hears none.

Mr. BUCK submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2287) to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

"That section 1 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

"'SEC. 1. (a) There is hereby created a body corporate with the name "Reconstruction Finance Corporation" (herein called the Corporation), with a capital stock of $100,000,000 subscribed by the United States of America. Its principal office shall be located in the District of Columbia, but there may be established agencies or branch offices in any city or cities of the United States under rules and regulations prescribed by the Board of Directors. This Act may be cited as the "Reconstruction Finance Corporation Act".

"'(b) Within six months after the close of each fiscal year the Corporation shall make a report to the Congress of the United States which shall contain financial statements for the fiscal year, including a balance sheet, a statement of income and expense, and an analysis of accumulated net income. The accumulated net income shall be determined after provision for reasonable reserves for uncollectibility of loans and investments outstanding. Such statements shall be prepared from the financial records of the Corporation which shall be maintained in accordance with generally accepted accounting principles applicable to commercial corporate transactions. The report shall contain schedules showing, as of the close of the fiscal year, each direct loan to any one borrower of $100,000 or more, each loan to any one borrower of $100,000 or more in which the Corporation has a participation or an agreement to participate, and the investments in the securities and obligations of any one borrower which total $100,000 or more. Within six months after the end of each fiscal year, beginning with the fiscal year ended June 30, 1948, the Corporation shall pay over to the Secretary of the Treasury as miscellaneous receipts, a dividend on its capital stock owned by the United States of America, in the amount by which its accumulated net income exceeds $250,000,000.

"'(c) Within sixty days after the effective date of this amendment, the Corporation shall retire all its outstanding capital stock in excess of $100,000,000 and shall pay to the Treasury as miscellaneous receipts the par value of the stock so retired.'

"SEC. 2. Section 2 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

"'SEC. 2. The management of the Corporation shall be vested in a board of directors consisting of five persons appointed by the President of the United States by and with the advice and consent of the Senate. Of the five members of the board, not more than three shall be members of any one political party and not more than one shall be appointed from any one Federal Reserve district. The office of director shall be a full-time position. The term of the incumbent directors is hereby extended to June 30, 1950. As of July 1, 1950, two directors shall be appointed for a term of one year, two directors shall be appointed for a term of two years, and one director shall be appointed for a term of three years. Thereafter the term of the directors shall be for a term of three years, but they may continue in office until their successors are appointed and qualified. Whenever a vacancy shall occur in the office of director other than by expiration of term, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the director whose place he is selected to fill. After the confirmation of the directors by the Senate, the President shall designate one of the directors to serve as chairman for a period coextensive with his term as director. The directors, except the chairman, shall receive salaries at the rate of $12,500 per annum each. The chairman of the board of directors shall receive a salary at the rate of $15,000 per annum.'

"SEC. 3. Section 3 (a) of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

"'SEC. 3. (a) The Corporation shall have succession through June 30, 1956, unless it is sooner dissolved by an Act of Congress. It shall have power to adopt, alter, and use a corporate seal; to make contracts; to lease or purchase such real estate as may be necessary for the transaction of its business; to sue and be sued, to complain and to defend, in any court of competent jurisdiction, State or Federal; to select, employ, and fix the compensation of such officers, employees, attorneys, and agents as shall be necessary for the transaction of the business of the Corporation, in accordance with laws, applicable to the Corporation, as in effect on June 30, 1947, and as thereafter amended; and to prescribe, amend, and repeal, by its board of directors, bylaws, rules, and regulations governing the manner in which its general business may be conducted. Except as may be otherwise provided in this act or in the Government Corporation Control Act, the board of directors of the Corporation shall determine the necessity for and the character and amount of its obligations and expenditures under this Act and the manner in which they shall be incurred, allowed, paid, and accounted for, without regard to the provisions of any other laws governing the expenditure of public funds, and such determinations shall be final and conclusive upon all other officers of the Government. The Corporation shall be entitled to and granted the same immunities and exemptions from the payment of costs, charges, and fees as are granted to the United States pursuant to the provisions of law codified in sections 543, 548, 555, 557, 578, and 578a of title 28 of the United States Code, 1940 edition. The Corporation shall also be entitled to the use of the United States mails in the same manner as the executive departments of the Government. Debts due the Corporation, whether heretofore or hereafter arising, shall not be entitled to the priority available to the United States pursuant to section 3466 of the Revised Statutes (U. S. C.,

title 31, sec. 191) except that the Corporation shall be entitled to such priority with respect to debts arising from any transaction pursuant to any of the following Acts or provisions in effect at any time: Sections 5d (1) and 5d (2) of the Reconstruction Finance Corporation Act added by section 5 of the Act entitled "An Act to authorize the purchase by the Reconstruction Finance Corporation of stock of Federal home-loan banks; to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes", approved June 25, 1940 (54 Stat. 573); sections 4 (f) and 9 of the Act entitled "An Act to mobilize the productive facilities of small business in the interests of successful prosecution of the war, and for other purposes", approved June 11, 1942 (56 Stat. 354, 356); section 2 (e) of the Emergency Price Control Act of 1942 (56 Stat. 26); the Surplus Property Act of 1944 (58 Stat. 765 and the following); sections 11 and 12 of the Veterans' Emergency Housing Act of 1946 (60 Stat. 214, 215); and section 403 of the Sixth Supplemental National Defense Appropriation Act (56 Stat. 245).'

"SEC. 4. Section 4 of the Reconstruction Finance Corporation Act, as amended, is amended to read as follows:

"'SEC. 4. (a) To aid in financing agriculture, commerce, and industry, to encourage small business, to help in maintaining the economic stability of the country, and to assist in promoting maximum employment and production, the Corporation, within the limitations hereinafter provided, is authorized—

"'(1) To purchase the obligations of and to make loans to any business enterprise organized or operating under the laws of any State or the United States: *Provided,* That the purchase of obligations (including equipment trust certificates) of, or the making of loans to, railroads engaged in interstate commerce or air carriers engaged in air transportation as defined in the Civil Aeronautics Act of 1938, as amended, or receivers or trustees thereof, shall be with the approval of the Interstate Commerce Commission or the Civil Aeronautics Board, respectively: *Provided further,* That in the case of such railroads or air carriers which are not in receivership or trusteeship, the Commission or the Board, as the case may be, in connectiton with its approval of such purchases or loans, shall also certify that such railroad or air carrier, on the basis of present and prospective earnings, may be expected to meet its fixed charges without a reduction thereof through judicial reorganization except that such certificates shall not be required in the case of loans or purchases made for the acquisition of equipment or for maintenance.

"'(2) To make loans to any financial institution organized under the laws of any State or of the United States. If the Secretary of the Treasury certifies to the Corporation that any insurance company is in need of funds for capital purposes, the Corporation may subscribe for or make loans upon nonassessable preferred stock in such insurance company. In any case in which, under the laws of the State in which it is located, any such insurance company so certified is not permitted to issue nonassessable preferred stock, or if such laws permit such issue of preferred stock only by unanimous consent of stockholders, the Corporation is authorized to purchase the legally issued capital notes or debentures of such insurance company.

"'(3) In order to aid in financing projects authorized under Federal, State, or municipal law, to purchase the securities and obligations of, or make loans to, (A) States, municipalities, and political subdivisions of States, (B) public agencies and instrumentalities of one or more States, municipalities, and political subdivisions of States, and (C) public corporations, boards, and commissions: *Provided,* That no such purchase or loan shall be made for payment of ordinary governmental or nonproject operating expenses as distinguished from purchases and loans to aid in financing specific public projects.

"'(4) To make such loans as it may determine to be necessary or appropriate because of floods or other catastrophes.

"'(b) The powers granted in section 4 (a) of this Act shall be subject to the following restrictions and limitations:

"'(1) No financial assistance shall be extended pursuant to paragraphs (1), (2), and (3) of subsection (a) of this section, unless the financial assistance applied for is not otherwise available on reasonable terms. All securities and obligations purchased and all loans made under paragraphs (1), (2), and (3) of subsection (a) of this section shall be of such sound value or so secured as reasonably to assure retirement or repayment and such loans may be made either directly or in cooperation with banks or other lending institutions through agreements to participate or by the purchase of participations, or otherwise.

"'(2) No loan, including renewals or extensions thereof, may be made under sections 4 (a) (1), (2), and (4) for a period or periods exceeding ten years and no securities or obligations maturing more than ten years from date of purchase by the Corporation may be purchased thereunder: *Provided,* That the foregoing restriction on maturities shall not apply to securities or obligations received by the Corporation as a claimant in bankruptcy or equitable reorganization or as a creditor in proceedings under section 20b of the Interstate Commerce Act, as amended: *Provided further,* That any loan made or securities and obligations purchased prior to July 1, 1947, may in aid of orderly liquidation thereof or the interest of national security, be renewed or the maturity extended for such period not in excess of ten years and upon such terms as the Corporation may determine: *Provided further,* That any loan made under section 4 (a) (1) for the purpose of constructing industrial facilities may have a maturity of ten years plus such additional period as is estimated may be required to complete such construction. The Corporation may, in carrying out the provisions of subsection 4 (a) (3), purchase securities and obligations, or make loans, including renewals or extensions thereof, with maturity dates not in excess of forty years, as the Corporation may determine.

"'(3) In agreements to participate in loans, wherein the Corporation's disbursements are deferred, such participations by the Corporation shall be limited to 70 per centum of the balance of the loan outstanding at the time of the disbursement, in those cases where the total amount borrowed is $100,000 or less, and shall be limited to 60 per centum of the balance outstanding at the time of disbursement, in those cases where the total amount borrowed is over $100,000.

"'(c) The total amount of investments, loans, purchases, and commitments made subsequent to June 30, 1947, pursuant to section 4 shall not exceed $1,500,000,000 outstanding at any one time: *Provided,* That the aggregate amount outstanding at any one time shall not exceed (1) under subsection (a) (4) $25,000,000, and (2) for construction purposes under subsection (a) (3) $200,000,000, and (3) under the last two sentences of subsection (a) (2) $15,000,000.

"'(d) No fee or commission shall be paid by any applicant for financial assistance under the provisions of this Act in connection with any such application, and any agreement to pay or payment of any such fee or commission shall be unlawful.

"'(e) No director, officer, attorney, agent, or employee of the Corporation in any manner, directly or indirectly, shall participate in the deliberation upon or the determination of any question affecting his personal interests, or the interests of any corporation, partnership, or association in which he is directly or indirectly interested.

"'(f) The powers granted to the Corporation by this section 4 shall terminate at the close of business on June 30, 1954, but the termination of such powers shall not be construed (1) to prohibit disbursement of funds on purchases of securities and obligations, on loans, or on commitments or agreements to make such purchases or loans, made under this Act prior to the close of business on such date, or (2) to affect the validity or performance of any other agreement made or entered into pursuant to law.

"'(g) As used in this Act, the term "State" includes the District of Columbia, Alaska, Hawaii, Puerto Rico, and the Virgin Islands.'

"SEC. 5. Effective as of midnight June 30, 1947, the first sentence of section 8 of the Reconstruction Finance Corporation Act, as amended, is hereby amended to read as follows: 'The Corporation, including its franchise, capital, reserves and surplus, and its income shall be exempt from all taxation now or hereafter imposed by the United States, by any Territory, dependency, or possession thereof, or by any State, county, municipality, or local taxing authority, except that any real property of the Corporation shall be subject to special assessments for local improvements and shall be subject to State, Territorial, county, municipal, or local taxation to the same extent according to its value as other real property is taxed.'

"SEC. 6. Subsection (m) of section 206 of title II of the joint resolution entitled 'Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation', approved June 30, 1947 (Public Law 132, Eightieth Congress), is amended to read as follows:

"'(m) The first section and sections 2, 3, 9, 11, and 13 of the Act approved January 31, 1935 (49 Stat. 1), as amended;'.

"SEC. 7. Section 208 of title II of the joint resolution entitled 'Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation', approved June 30, 1947 (Public Law 132, Eightieth Congress), is hereby repealed.

"SEC. 8. Section 209 of title II of the joint resolution entitled 'Joint resolution to extend the succession, lending powers, and the functions of the Reconstruction Finance Corporation', approved June 30, 1947 (Public Law 132, Eightieth Congress), is amended to read as follows:

"'SEC. 209. During the period between June 30, 1948, and the date of enactment of legislation making funds available for administrative expenses for the fiscal year ending June 30, 1949, the Corporation is authorized to incur, and pay out of its general funds, administrative expenses in accordance with laws in effect on June 30, 1948, such obligations and expenditures to be charged against funds when made available for administrative expenses for the fiscal year 1949.'

"SEC. 9. The third paragraph of section 24 of the Federal Reserve Act, as amended by section 328 of the Banking Act of 1935, as amended, is hereby amended to read as follows:

"'Loans made to established industrial or commercial businesses (a) which are in whole or in part discounted or purchased or loaned against as security by a Federal Reserve bank under the provisions of section 13b of this Act, (b) for any part of which a commitment shall have been made by a Federal Reserve bank under the provisions of said section, (c) in the making of which a Federal Reserve bank participates under the provisions of said section, or (d) in which the Reconstruction Finance Corporation cooperates or purchases a participation under

the provisions of the Reconstruction Finance Corporation Act, as amended, shall not be subject to the restrictions or limitations of this section upon loans secured by real estate.'"

And the House agree to the same.

C. DOUGLASS BUCK,
HOMER E. CAPEHART,
BURNET R. MAYBANK,
J. W. FULBRIGHT,
Managers on the Part of the Senate.

JESSE P. WOLCOTT,
RALPH A. GAMBLE,
JOHN C. KUNKEL,
HENRY O. TALLE,
BRENT SPENCE,
PAUL BROWN,
WRIGHT PATMAN,
Managers on the Part of the House.

Mr. BUCK. Mr. President, I move that the report be agreed to.

Mr. FLANDERS. Mr. President, I should like to ask some questions about the report. Does the conference report include the provision for a secondary mortgage market in RFC?

Mr. BUCK. It does.

Mr. FLANDERS. Since title II of the housing bill, S. 866, which is in the House of Representatives at the moment, contains an entire title devoted to that subject, will the inclusion of the provision in the RFC extension bill interfere with the consideration by the House of the similar provision of Senate bill 866?

Mr. BUCK. I cannot answer that question for the Senator, but insofar as I know, I should not think it would. I can see no connection between the two.

Mr. FLANDERS. I am wondering if a statement such as this would be substantially correct: Using the colloquial term "Fannie May," which has been applied to this provision in the RFC measure, the "Fannie May" is contained in the RFC extension bill in order to prevent the lapse of secondary mortgage operations by the Government, but it does not preclude the possibility of the passage of title II of S. 866 and the establishment of the Federal Home Mortgage Corporation provided for therein. It merely continues the "Fannie May" operation until such time as the House can act on S. 866.

Mr. BUCK. Mr. President, I would say to the distinguished Senator from Vermont that the understanding of the House conferees was that this provision would carry on in the RFC Act until and unless they could get a similar provision written in the Housing Act, and if a secondary market was provided in the Housing Act, then the similar provision in the RFC Extension Act would be repealed.

Mr. FLANDERS. Mr. President, I offer no objection.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Is there further debate on the conference report?

Mr. LODGE. Mr. President, is it in order now to insert material in the RECORD?

The PRESIDENT pro tempore. The Senator can be recognized, under the order, for anything he wishes. The Chair would like to say to the Senate that it is proceeding under a unanimous consent agreement, with the time divided between now and 4 o'clock, and any time taken except on the conference report should be with the consent of the Senator from Florida [Mr. HOLLAND] and the Senator from Oregon [Mr. MORSE].

Mr. LODGE. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. LODGE. So long as the Senate is considering the conference report, the division of time does not apply, does it?

The PRESIDENT pro tempore. The time is charged against both sides, in proportion.

Mr. LODGE. Evenly?

The PRESIDENT pro tempore. No; it is not divided evenly, because the division in the time itself is 7 to 1.

Mr. LODGE. I should like to ask unanimous consent to insert some material in the RECORD.

The PRESIDENT pro tempore. The Senator could be recognized on the conference report to do anything he pleased. The Chair was merely indicating what the general matter of fair play suggested.

Mr. LODGE. I ask recognition, then.

The PRESIDENT pro tempore. The Senator from Massachusetts.

COUNTING OF ELECTORAL VOTES

Mr. LODGE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from the Worcester Gazette and one from the Boston Post, both dealing with the subject matter of Senate Joint Resolution 200, which is the proposal to amend the Constitution so that the electoral vote will be counted in proportion to the popular vote in selecting the President and Vice President.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Worcester (Mass.) Gazette of May 5, 1948]

"FOR ELECTORAL REFORM"

The United States has never hesitated to abolish outworn procedures to make democracy more workable. Senators, who used to be elected by the States' legislatures, are now elected by popular vote. The lame-duck Congress was abolished by constitutional amendment. Women were given the right to vote.

Now a proposal which has been cropping up for years has reached a stage where its adoption becomes a real possibility. This is the move to abolish the electoral college in Presidential elections and have Presidents elected by popular vote. A bill providing for a constitutional amendment to this effect has passed the judiciary committees of both House and Senate and can reasonably be expected to come to a vote in a short time. Proposed by Senator LODGE, it does not abolish the electoral vote of the States but merely divides it in proportion to the vote given each candidate. At present a State's entire electoral vote goes to one candidate.

This amendment, if passed, will accomplish one basic purpose. It will eliminate the possibility of a man's receiving the majority of the popular vote and failing to be elected President. Such a situation has happened only very infrequently in our history, the worst being the Hayes-Tilden election of 1876. However, that it has happened at all indicates a flaw in the present system.

The electoral college was set up by the founding fathers because at that time few States had a popular vote and because the States wanted to reserve to themselves the method of choosing Presidential electors. However, for many years the electors have been chosen in all the States by popular vote; indeed most voters do not even know the names of the electors, merely voting for the Presidential candidate himself. The point is, the electoral college is an anachronism and has no real function any more. Furthermore, it can occasionally be a means of frustrating the popular will. This year, for example, Virginia may use the old device of the electoral college to help prevent President Truman from receiving the vote of that State, even though the voters might favor him.

Though the proposed constitutional amendment will accomplish nothing startling, it will remove a small obstacle in the path of a more complete democracy. The chances of abolishing the electoral college now seem brighter than ever before.

[From the Boston (Mass.) Post of May 5, 1948]

"VOTING REFORM"

Perhaps with the fiasco in the Presidential delegate voting in Massachusetts last week in mind Senator HENRY CABOT LODGE has asked the Senate Judiciary Committee for early action on the proposal to amend the Constitution to abolish the Electoral College. A similar bill has been approved by the House Judiciary Committee and is now before the Rules Committee.

The new measure provides that, in electing a President and Vice President, the electoral vote of each State shall be counted for the candidates in proportion to the popular vote they receive. Under the present system a State's whole electoral vote goes to the Presidential candidate receiving a majority of the votes, which in effect throws the minority vote of that State into the discard. Through this system a President is sometimes elected without receiving a majority vote of the whole country.

The electoral college was one of the few failures put into the Constitution by the original framers of that great document. They had assumed that through this process a group of men of high character with no party bias would be chosen to elect the President. But it never worked out that way, even from the very beginning.

PRESIDENTIAL ILL HEALTH

Mr. LODGE. Then, Mr. President, I should like to have some other editorials inserted which relate to the fact that twice within recent years the President of the United States has been in very poor health, and the fact of his ill health has had a very marked effect on national policy. I do not think it is seriously doubted, for example, that if President Wilson had been in his normal good health, compromises would have been reached that would have resulted in the United States entering the League of Nations. It also occurs to me that had President Roosevelt been in good health the arrangements made at Yalta might have been altogether different.

This matter I have called to the attention of the Commission on Reorganization of the Executive Branch. I have also received a letter from Mr. Ernest H. Wilkins, former president of Oberlin College, on the subject. It is very brief, and it will take me just a few seconds to read it. He says:

177 HOMER STREET,
Newton Center, Mass., May 3, 1948.

DEAR SENATOR LODGE: In connection with your sound idea of providing substitution in

a case of Presidential incapacitation, you may be interested to know that President Wilson toward the end of his life, once said to Senator Theodore E. Burton: "I wish I had accepted the Senate reservations."

Senator Burton told me this about 20 years ago, soon after I became president of Oberlin College, of which he was a trustee.

I do not know just when the remark was made by President Wilson, but it seems to me to suggest that if he had kept his health, or had been replaced by an acting executive in sound health, we might, though belatedly, have entered the League.

Yours sincerely,

ERNEST H. WILKINS,
President Emeritus of Oberlin College.

Mr. President, I ask unanimous consent that various editorials on this subject of the health of Presidents be printed in the RECORD at this point.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Fall River (Mass.) Herald News of May 5, 1948]

WHEN PRESIDENTS FALL ILL

Any grammar-school pupil can tell you who succeeds to the Presidency of the United States when an elected President dies. But, neither he nor his father nor his grandfather can tell you what steps could legally be taken under existing laws to safeguard the public interest if a President insisted on retaining office after he had become too ill to administer its duties.

Probably most of us have never thought about the possibility of such a contingency, and those who have thought about it have taken it for granted that the Vice President would automatically take over. There is, it appears, no law that would empower the Vice President to do this unless the President voluntarily resigned.

Senator LODGE has called the matter to the attention of the Hoover commission which is currently studying the executive branch of our Federal Government, and has thereby done a publice service. The Hoover commission can do no more than recommend laws to fit such a contingency, but its recommendations would certainly receive respectful attention.

Within our memory there have been two Presidents whose physical condition very closely approximated a situation such as Senator LODGE envisions. One was President Wilson, and the other was President Franklin D. Roosevelt. There were days when official Washington frankly doubted that President Wilson was functioning as President. There were days, too, when it was frankly doubted that President Roosevelt's obviously weakening strength could longer sustain him.

But, even after the Hoover commission shall have arrived at a conclusion relative to the kind of a law required, there will still remain the question of how sick a President must be before he is deemed incapable of carrying on. Who will decide? The President? Or the President's doctor? And can you imagine a President's doctor declaring his patient non compos mentis?

[From the Boston (Mass.) Traveler of May 4, 1948]

THE HEALTH OF PRESIDENTS

Senator LODGE has addressed a question to the Hoover commission which is studying the reorganization of the executive branch of our Government. He does not suggest an answer, but he does suggest that an answer might well be forthcoming.

The Constitution has a specific provision for the Presidential succession if the President dies, a provision which has been improved recently. But what happens if the President lives and is incapable of performing his tasks?

The question is not an academic one. A President is a human being, and mortals are often bedridden in their later years. Presidents are seldom young men.

The surprising thing is that the tragedy has occurred only once in American history. President Wilson lay helpless for months while government in the executive branch more or less took care of itself. The "perhapses" that cannot be entirely overlooked. If Wilson had remained in the full possession of his very great mental powers, he might have achieved the wisdom necessary to consent to compromise on the League of Nations issue. Perhaps we would not have had the Second World War.

This is pure speculation, but what follows is not. One mental and physical incapacitation in over 150 years is less than the law of averages calls for. Sooner or later that law will catch up with us. It might be wise to answer Senator LODGE's question now.

[From the Worcester (Mass.) Telegram of May 5, 1948]

SICK PRESIDENTS

The dispute between President Woodrow Wilson and Senator Henry Cabot Lodge, of Massachusetts, was bitter and was never settled. President Wilson wanted the United States to enter the League unconditionally. Senator Lodge wanted us to join with reservations. Neither one would yield, and so we stayed out.

An echo of the old fight is now heard. Senator HENRY CABOT LODGE, JR., grandson of the famous reservationist, says that he does not think that it is seriously doubted "that if President Wilson had been in his normal good health, compromises would have been reached which would have resulted in the United States joining the League of Nations."

That gracious conjecture should please Mr. Wilson's admirers. But Mr. LODGE's interest in this is a highly practical one. He wants something done about the possibility of Presidents being ill in the future. He would avoid a repetition of the Wilson and Roosevelt situations. The country was virtually without a President when Wilson was a helpless invalid, for nearly a year and a half, and the people suspected it. In the case of Franklin D. Roosevelt, he was not a well man in the last year of his life, but the people did not know this. Magazine articles and other publicity stuff gave the impression that he was in good health.

The Constitution says that the powers and duties of the President "shall devolve" on the Vice President in case of the inability of the President. The same applies to a President's removal, death, or resignation. Everybody would know it if a President were removed from office, or if he died or resigned. No definitions or judgments are needed there. But "inability to discharge the powers and duties of the said office"—that is something else. Just what is "inability" and just who shall say whether or not a President is suffering from inability? The Constitution is completely silent on those points.

Senator LODGE believes that the gap ought to be filled. He hopes that there will be a study of this and a recommendation by former President Hoover's commission studying measures for reorganizing the executive branch of the Government. This is an old task, put off year after year. It ought to be cleaned up.

[From the Boston (Mass.) Herald of May 4, 1948]

SICK PRESIDENTS

Senator LODGE has certainly focused attention on a serious omission in our laws relating to the Presidency when he asks the Hoover Commission studying the executive branch to consider means for protecting the public interest in the event of Presidents being incapacitated by illness. We make bold to suggest, however, that this may turn out to be a tough assignment, having in mind the case of the late Franklin D. Roosevelt.

For at least a year and a half before his death the late President was progressively failing. The correspondents who visited him regularly could see it. Many visitors saw it. The public got a suggestion of it in photographs and movies. But, nonetheless, throughout the whole final decline Dr. Ross T. McIntire, the White House physician, insisted that Mr. Roosevelt was in excellent health. Within a year of his death when there were visible signs of failing, the physician told newspapermen that the President was in unusually good physical condition for a man of his years. Unfortunately, Dr. McIntire maintained this same position after the President's death. Since there was no autopsy, there is no way of checking his judgment. The bedside judgment of the cause of death was cerebral hemorrhage, but this might have been induced by one of a number of organic maladies.

One can well understand that there was every reason for Dr. McIntire, a personal friend of the late President, to skip lightly over any signs of weakness he may have detected in the Chief Executive's health. The Nation was at war. Enemy governments might make much of the disclosure of some threatened disaster to the American President's health. Again, during much of this period the President was running for reelection. Opponents, desperate for arguments against him, could easily have capitalized admissions that the President was ill, or suggestions that he might not live out a fourth term. For these two reasons the fair-minded will sympathize with Dr. McIntire's position. What is more difficult to understand is why, if the doctor had concealed something during those perilous times, he could not have been frank about it after the war was over. Because those who saw Mr. Roosevelt fading away while Dr. McIntire kept saying he was in excellent health, will otherwise never cease having doubts.

The question for Mr. Hoover's commission is, then, how do you find out when a President is ill?

[From the Haverhill (Mass.) Gazette of May 6, 1948]

WHEN THE PRESIDENT IS ILL

Senator LODGE has directed attention to an important national problem.

He wishes a constitutional formula for coping with the health of a President when it becomes so bad a Chief Executive cannot properly do his work.

He is thinking of the illnesses that befell Woodrow Wilson and Franklin D. Roosevelt near the end of their White House service.

He is even thinking that Roosevelt in his prime would have done better with Stalin at Yalta than the late President did.

The Constitution makes provision for meeting the national emergency caused by a President's death, but it is silent on the emergency that may be caused by his ill health.

Obvious means of dealing with the emergency of Presidential ill health, it seems to us, would be through a board of eminent citizens on which both major parties would be represented and in which medical men would have the decisive word.

But even such a board sometime would be suspected of using his ill health as a pretext to get rid of a President for political reasons.

LODGE has presented the problem to the right parties, former President Hoover and the members of the commission that are studying measures for reorganization of the executive branch of our Government.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The question is on the adoption of the conference report.

Mr. IVES. Mr. President——

Mr. WHERRY. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. The regular order can be asked for, can it not, and the Senate can return to consideration of the conference report, which is the immediate business before the Senate?

The PRESIDENT pro tempore. The Chair would think so.

Mr. WHERRY. Mr. President, I ask unanimous consent that the Senate proceed with the consideration of the conference report.

Mr. IVES. Mr. President, I am sure that the time required by the Senator from Indiana [Mr. JENNER] and myself would be far less than is now being consumed by discussion of procedure.

Mr. WHERRY. Mr. President, I withhold objection to the request of Senators now on their feet to present certain matters, but if such procedure is continued beyond a reasonable time I shall ask for the regular order.

The PRESIDENT pro tempore. The Senator from New York is recognized in his own time to speak on the conference report.

Mr. IVES. Mr. President, I quite agree with the remarks made by the distinguished Senator from Vermont in connection with the conference report, and I am glad to see that is now before the Senate for action.

At the same time I should like to submit a report from the Committee on Post Office and Civil Service.

The PRESIDENT pro tempore. The Chair is not indicating that the Senator cannot discuss anything he feels like discussing while discussing the conference report.

Mr. IVES. Mr. President, I am delighted to note that at last we have arrived at a subject in the Senate on which we must be germane. I yield decidedly on that point.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

SENATOR FROM MARYLAND

Mr. JENNER. Mr. President——

The PRESIDENT pro tempore. The Senator from Indiana is recognized.

Mr. JENNER. Mr. President, I ask unanimous consent to submit a report from the Committee on Rules and Administration concerning the election contest of Markey against O'Conor, which is pending before this body, and I submit a report (No. 1284) thereon. Also I report an original resolution from the Committee on Rules and Administration to accompany the report.

The PRESIDENT pro tempore. Without objection, the report will be received, and the resolution will be received and read by the clerk.

The Chief Clerk read the resolution (S. Res. 234), as follows:

Resolved, That HERBERT R. O'CONOR is hereby declared to be a duly elected Senator of the United States, from the State of Maryland, for the term of 6 years, commencing on the 3d day of January 1947, and is entitled to be seated as such.

The PRESIDENT pro tempore. The resolution will go to the calendar.

SPECIAL COMMEMORATIVE STAMP

Mr. IVES. Mr. President, I ask unanimous consent to submit a report from the Committee on Post Office and Civil Service which approves Senate Joint Resolution 210, to authorize the issuance of a stamp commemorative of the golden anniversary of the consolidation of the boroughs of Manhattan, Bronx, Brooklyn, Queens, and Richmond, which boroughs now comprise New York City, and I submit a report (No. 1285) thereon.

The PRESIDENT pro tempore. Without objection, the report will be received and the bill will be placed on the calendar.

UNIVERSAL MILITARY TRAINING—LETTER FROM CLAYTON E. KLINE

Mr. CAPPER. Mr. President—

The PRESIDENT pro tempore. The Chair recognizes the Senator from Kansas.

Mr. CAPPER. Mr. President, I have received a letter from Clayton E. Kline, a very able attorney of Topeka, Kans.—my home town—expressing his opposition to universal military training. His views on this important subject are so constructive that I send his letter to the desk, and ask unanimous consent that it be printed in the RECORD and appropriately referred.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD and lie on the table.

The letter is as follows:

APRIL 28, 1948.

Hon. ARTHUR CAPPER,
United States Senate,
Washington, D. C.

MY DEAR SENATOR CAPPER: I read in the Topeka Daily Capital this morning what appears to be the substance of the Senate's so-called Draft Act. It appears to me that again the Congress is wholly ignoring the expressed provisions of the Constitution.

As the newspaper reports the bill, it would draft for 2 years men between 19½ and 25, and would force these men into the Regular Army, Navy, or Marine Corps. It would draft others between 18 and 19½ for a year and force them into the Regular Army, Navy, or Marine Corps.

Remember, this is a peacetime measure and constitutes involuntary servitude at its worst, violating every right of the individual citizens to freedom. Even the dictators have not gone this far. True they have put into effect universal military service, but they have not discriminated.

If Congress wants to put in universal military training that is one thing because under such an act everyone is treated alike. Under the proposed act one boy is taken out of a community, forced to waste 2 years of his life in what to him will be virtual slavery while a neighboring boy is permitted to go along, finish his college, do what he pleases, enjoy absolute freedom, and secure the benefits of this discriminatory measure. If anything could possibly be done to make a youngster in this situation hate his country, I know of no better approach. I think under our Constitution a boy would be absolutely justified in refusing to serve. If Congress refuses to pay any attention to the mandates of the Constitution, then why should the young man, whose rights are being taken away and who is being virtually enslaved, pay any attention to it?

As I have said before, if Congress wants to institute universal military training that is one thing and then there is no discrimination for all are required to serve, but the measure now being considered is absolutely unthinkable and can do nothing but tear down all respect of the youth of this country for their Government. If we are to have dictatorship, then why resist it?

I served in the First World War, and my son enlisted at 17 and served in the second one. I certainly am, and always have been, in favor of adequate defense for this country, but in peacetime it certainly should be provided through either universal military training or preferably through a voluntary enlistment system. If Congress will provide for the payment of $100 per month to privates there will be no difficulty in building up a volunteer Regular Army. I have urged this before, and I urge it now. It is the only American way to handle the situation.

In addition, it is the best way, because a peacetime Army should be a professional Army. It should be composed of men who make the Army their avocation, and properly paid it is a good one for that vast number of youth of this country who do not desire to go to college, who are not too anxious to do heavy labor, or to learn a trade. They can serve a useful purpose as soldiers in the Regular Army, provide adequate defense for the country, and do a good job for themselves. To me, there can be no question as to the proper decision. It means either slavery for the few who are taken and who do not want to serve in the Army in peacetime, or a voluntary system consonant with freedom under our Constitution and laws.

I trust that you will do everything possible to defeat this measure. It can do nothing but result in harm to the country and to the individuals who are going to be discriminated against and who will necessarily maintain a violent resentment against service. In my opinion, they will have every justification for such an attitude.

I know the Regular Army well. I know how these youngsters are kicked around. In wartime it is necessary, but in peacetime it should only be inflicted on those who volunteer for service, and, believe me, neither Congress nor anyone else can protect them against the treatment which will be accorded.

There are many who have never served in the Army who do not realize the seriousness of this proposed measure and its ultimate ruinous effect. There is really only one way to find out, and that is to serve as a private in the rear ranks for a period of time.

I am sending a copy of this letter to each of our Congressmen.

Yours very truly,

CLAYTON E. KLINE.

Mr. WHERRY. Mr. President, I object to any further insertions at this time, and ask for the regular order, which is, as I understand, the consideration of the conference report on Senate bill 2287.

The PRESIDENT pro tempore. The Senator is correct.

Mr. WHERRY. That has not yet been acted upon, has it?

The PRESIDENT pro tempore. No. The Senator is correct.

EXTENSION OF RECONSTRUCTION FINANCE CORPORATION — CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the

House to the bill (S. 2287) to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Delaware [Mr. BUCK] to agree to the conference report.

The motion was agreed to.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. WHERRY asked and obtained consent for the Subcommitee on Flood Control of the Committee on Public Works to sit during the session of the Senate today.

He also obtained similar consent for the Fiscal Subcommittee of the Committee on the District of Columbia.

SOUTHERN STATES COMPACT ON REGIONAL EDUCATION

The Senate resumed the consideration of the joint resolution (H. J. Res. 334) giving the consent of Congress to the compact on regional education entered into between the Southern States at Tallahassee, Fla., on February 8, 1948.

Mr. HOLLAND. Mr. President——

The PRESIDENT pro tempore. The Chair recognizes the Senator from Florida, who will either address the Senate or yield part of the time controlled by him to other Senators.

Mr. HOLLAND. Mr. President, I understood it was the purpose of the acting majority leader to suggest the absence of a quorum. I shall be glad to yield to him for that purpose if it is agreeable to him to do so.

Mr. WHERRY. I shall be glad to do so, and suggest that the time taken in calling of the roll be charged proportionately to the proponents and opponents of the pending measure. If there is no objection, Mr. President, I now suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Aiken	Hawkes	Morse
Ball	Hayden	Myers
Barkley	Hickenlooper	O'Conor
Brewster	Hill	O'Daniel
Bricker	Hoey	O'Mahoney
Bridges	Holland	Reed
Brooks	Ives	Robertson, Va.
Buck	Jenner	Russell
Butler	Johnson, Colo.	Saltonstall
Byrd	Johnston, S. C.	Smith
Cain	Kem	Sparkman
Capehart	Kilgore	Stewart
Chavez	Knowland	Taylor
Connally	Langer	Thomas, Okla.
Cooper	Lodge	Thomas, Utah
Cordon	Lucas	Tobey
Downey	McClellan	Tydings
Dworshak	McFarland	Vandenberg
Eastland	McGrath	Watkins
Ecton	McKellar	Wherry
Ellender	McMahon	White
Ferguson	Magnuson	Wiley
Flanders	Malone	Williams
Fulbright	Martin	Wilson
George	Maybank	Young
Gurney	Millikin	
Hatch	Moore	

Mr. WHERRY. I announce that the Senator from Connecticut [Mr. BALDWIN] is absent by leave of the Senate on public business.

The Senator from South Dakota [Mr. BUSHFIELD] and the Senator from Wisconsin [Mr. MCCARTHY] and the Senator from West Virginia [Mr. REVERCOMB] are necessarily absent.

The Senator from Wyoming [Mr. ROBERTSON] is absent on official business.

The Senator from Missouri [Mr. DONNELL] and the Senator from Minnesota [Mr. THYE] are absent by leave of the Senate.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Montana [Mr. MURRAY] are absent by leave of the Senate.

The Senator from Rhode Island [Mr. GREEN] and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Louisiana [Mr. OVERTON] is absent because of illness.

The Senator from Mississippi [Mr STENNIS] is absent because of a death in his family.

The Senator from Nevada [Mr. MCCARRAN], the Senator from North Caroline [Mr. UMSTEAD], and the Senator from New York [Mr. WAGNER] are necessarily absent.

The PRESIDENT pro tempore. Seventy-nine Senators have answered to their names. A quorum is present.

The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer House Joint Resolution 334 to the Committee on the Judiciary.

The Senator from Florida [Mr. HOLLAND] is in control of 3 hours and 8 minutes, and the Senator from Oregon [Mr. MORSE] is in control of 27 minutes.

The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, I yield such time as he may require to the Senator from Wisconsin [Mr. WILEY].

DISPLACED-PERSONS LEGISLATION

Mr. WILEY. Mr. President, I desire to speak briefly on a matter which is not related to the particular subject before the Senate.

I was unavoidably absent from the floor yesterday when a discussion ensued among several Senators respecting the actions of the Committee on the Judiciary regarding displaced-persons legislation. I feel that certain inferences were made which for the sake of clarity need correction.

I am particularly interested in the Judiciary Committee, and in the personnel of that committee. When anything is said on the floor that seems to reflect on the character, ability, or integrity of the members of that committee, like an old clucking hen I come to the rescue. In this case certain implications were made which were so unfounded and so unreasonable that I must take 5 minutes to give the facts.

From reading the RECORD of May 12, 1948, I find that the Senator from Illinois [Mr. Lucas] is reported on page 5691 of the RECORD to have stated that the Senate Committee on the Judiciary has reported a displaced-persons bill but has given Senators no information concerning it and that he has made several inquiries of the Committee on the Judiciary. I quote him as his language is recorded on page 5691 of the RECORD:

> to try to obtain something—something other than a bill—in the way of evidence which was produced before that committee, so as to have some understanding of the meaning of the bill.

On the same page of the RECORD the Senator from Illinois makes what I regard as a disparaging remark respecting the conduct of the Committee on the Judiciary with reference to the expenditure of the $50,000 which was appropriated to the committee pursuant to Senate Resolution 137 of the Eightieth Congress. Mr. President, as chairman of the Judiciary Committee of the Senate, I am disturbed over the implication of these remarks. I therefore propose to set the Senator from Illinois straight regarding the facts.

In the first place, Mr. President, under date of March 2, 1948, there was printed and filed with the Senate Senate Report No. 950, which is a report of the Committee on the Judiciary respecting displaced persons in Europe. I have a copy of the report before me, and copies can be obtained from the committee. In canvassing the committee I find that no member has received inquiries concerning this report, but we have distributed to interested persons thousands of copies of the report, and we have had 2,000 additional copies printed, which are available.

This report is 84 pages in length and constitutes a carefully prepared résumé of the facts developed in the investigation of displaced persons by the Committee on the Judiciary or by the subcommittee. There has at all times been an ample supply of these reports available for anyone who desired a copy of the report. Indeed, in the course of the past few days an additional 2,000 copies of the report were printed and are available for distribution.

Mr. President, with reference to the transcript of the testimony which was taken by the subcommittee in Europe, may I comment that this transcript is also available for any Senator who desires to peruse it. This transcript has not been printed for general distribution, because much of the information contained in the transcript was furnished to the subcommittee with the explicit understanding that the information was of a confidential nature. The reason for the confidence was that certain of this information deals with the investigative procedures currently followed by the occupying authorities with reference to subversive elements in displaced-persons camps.

With reference to the expenditures of the funds of the committee, I make these observations: The records of the disbursing office of the Senate will show that the entire expenditures of the subcommittee and four staff members on the complete European investigation of displaced persons amount to $3,251.33. The Senate will recall that under the provisions of Senate Resolution 137 the Senate Committee on the Judiciary was required to make a full and complete investigation of the entire immigration

system; and the displaced-persons problem is only one phase of the investigation. Although the subcommittee which has been appointed under the provisions of the resolution has been operating almost a year on this investigation, it has not yet expended the initial appropriation of $50,000. Let me remind the Senate that the last complete investigation of our immigration system took place during the years from 1907 to 1911, and that the appropriation for that investigation was more than $800,000.

Mr. President, my observations today are made solely in order that the record may be corrected and may reflect the true state of the facts. I wish to say that I appointed that subcommittee, and I was requested by the members to accept the chairmanship of it. But I said "No." They wished to know why I took that position, and I related an incident which occurred in my State some time ago; I was told of it when I was a boy. It seems that the chairman of a newly formed county was a man of German descent by the name of Hahnemann. That county, being quite newly formed, had to build a courthouse. The chairman of the county, Mr. Hahnemann, said in his rather broken English, "Vell, ve have got a heck of a job on our hands now, and it will take a heck of a lot of good men to do the job, and ve have to have a heck of a good committee for that job, and that committee has to have a heck of a good chairman, so I appoints myself."

Mr. President, I never forgot that story. Consequently, I did not appoint myself as a member of the subcommittee. But I took my wife with me to Europe, and we went there at our own expense. While there, I visited many of the displaced persons camps, and obtained a great deal of information about them. It was afterwards that the subcommittee went there and made its investigation. On that subcommittee were many good men, such as the Senator from Nevada [Mr. McCARRAN], the Senator from Missouri [Mr. DONNELL], the Senator from Kentucky [Mr. COOPER], the Senator from West Virginia [Mr. REVERCOMB], and other Senators whose names I do not recall at the moment.

My only purpose in speaking on this subject at this time is, if possible, to stop the disintegrating influences which develop when a Member of the Senate rises on the floor and makes remarks inferring that some Members of the Senate are not doing their jobs. I know that the Members of the Senate are doing their jobs, and are working, in many cases, 80 hours a week.

SOUTHERN STATES COMPACT ON REGIONAL EDUCATION

Mr. President, I wish to say to my good friend the Senator from Florida that I think all I have to say on the subject which is now the order of business can be said in the course of 20 or 25 minutes.

Last night, after the close of the session of the Senate, and after I saw three groups of businessmen, I went home and read through the speech which my good friend the Senator from Oregon [Mr. MORSE] had made. I think it a remarkable piece of work, and I give him all credit for it. I do not think there is another Member of the Senate who could do the job he has done, and could do so good a job in as poor a cause.

I went through that RECORD. When I got through it, I closed my eyes and meditated, and probably uttered a prayer and asked that I might be able to clarify this whole situation in as few words as possible. I think the answer came. I think I can state the law and the issue involved.

Mr. President, the issue before the Senate of the United States is on the question of agreeing to the motion of the Senator from Oregon that House Joint Resolution 334 be referred to the Committee on the Judiciary. The Judiciary Committee has reported to the Senate Senate Joint Resolution 191 which corresponds to the joint resolution which the House has passed. The alleged grounds of the Senator from Oregon for requesting the referral of the House joint resolution to the Senate committee are, first, that he feels that a further study should be made of the question as to whether approval by the Congress is necessary. Mr. President, to answer that point let me say that after reading the Senator's speech last night, I find that in his speech he has given all the legal evidence there is. He has quoted all the decisions on the subject there are. Anyone reading his speech must come to the conclusion that there is no conclusive answer as to whether this compact requires the action of the Senate or whether it is advisable for it to have the approval of the Senate. The Senator quotes from the record of the CIO attorneys. He quotes from the record of the other attorneys who represented the colored people at the hearing. The record is replete with every quotation which the Senator from Oregon used in his speech and every bit of evidence he used in his speech.

Please understand me, Mr. President. I say to the Senators who do me the honor of listening to my remarks at this time that I shall be brief, but it will be necessary for them to pay close attention, because what I have to say will lay down the law as I think it is and as I think I would start out with it if I were on the Supreme Court of the United States and were passing upon this matter.

Article I, section 10, of the Constitution provides:

> No State shall, without the consent of Congress * * * enter into any agreement or compact with another State.

That is very simple language. When the Constitution was first drafted, that language did not appear in it. I have before me a copy of the first article prepared on this subject, from which it appears that that language was not in the first draft of the Constitution. Later it was put in. We could refer to history to get the story of its meaning, if that were necessary. But listen to the language that is used:

> No State shall, without the consent of Congress * * * enter into any agreement or compact with another State.

That is very definite. I am glad to see the distinguished junior Senator from Kentucky [Mr. COOPER] in the Chamber. I say to him that the language I have just read from the Constitution seems very clear. Yet, we find in the argument of the distinguished Senator from Oregon that he refers to cases in which it has been held that Congress must give its consent or must deny its consent, and other cases in which it has been held that it is not necessary to have action taken by the Congress. But when we refer to the Senator's argument, we find that there is complete disagreement about that conclusion. It is important to know that there is such disagreement. Articles written by learned members of the faculties of Yale, Harvard, and other law schools refer to the disagreement. One writer says it is necessary that all compacts receive such approval. Other writers say, as I shall show, that such approval is not necessary, except, as a Court wrote in one of the cases, when a political question arises.

Mr. President, in the cases in which Congress must give its consent or deny its consent, Congress may impose conditions, first, if such conditions are appropriate to the subject—that is an important point—and, second, if such conditions do not transgress constitutional limitations.

There are two points which should be stressed. One relates to the word "may," in connection with the statement that Congress may impose conditions in cases in which it has been held, as in connection with political questions, that congressional approval of agreements or compacts is necessary. But in such cases the question arises, Are such conditions appropriate? Do they transgress constitutional limitations? I understand the Senator from Kentucky says this is not a case in which consent is essential. Am I correct in my understanding?

Mr. COOPER. The Senator is correct.

Mr. WILEY. Therefore, if this is a case in which it is unessential, the question arises, Is it advisable? There are two questions. Is it advisable under all the facts to approve the compact, notwithstanding the contention of both my distinguished associates that consent is unessential and unnecessary?

Mr. President, we must distinguish between a situation in which approval is essential and one in which it is merely advisable. If it is essential, Congress may impose appropriate conditions, but they cannot violate constitutional limitation. If unessential but simply advisable, what is the law with respect to the right of Congress to impose conditions? I hope I make myself clear on that point. Let me repeat. Is it advisable under all the facts to approve the compact, when, as Senators say, consent is not essential? The answer to that question calls for the application of something an old judge said to me when I was practicing in the State supreme court, "Young man, do not forget to press your equities."

We come now to the able argument of the Senator from Utah [Mr. THOMAS], which I wish I could restate, respecting the difference between essentiality and advisability. Let us bear in mind that

both my distinguished colleagues agree that consent of Congress to the compact in question is unessential. If I step over on that side of the fence and agree with them, for the time being, that it is not essential, I inquire is it advisable? If history is allowed to speak, the answer is "Yes." A hundred or more cases are set forth in the record. Only last week this august body did the same thing over again, in connection with a compact to which the States of Wisconsin, Michigan, and Minnesota were parties, relative to a boundary line, with respect to which it was held that approval of the Congress was unessential. The Senate approved the compact last week.

In the course of the argument by the Senator from Oregon [Mr. MORSE], authorities were cited on both sides. First, the Senator says congressional approval is not essential. He then cites authority which raises a doubt as to whether it is essential. That agrees with statements found in the Yale Law Review and other publications, that the language of the Constitution means what it says, that there must be approval or disapproval. So then, Mr. President, we are now talking about the equities.

That is the second point advanced by the distinguished Senator from Oregon. During his argument he cited authorities which indicated doubt as to the essentiality of congressional approval. The Senator does not discuss the question of advisability, which I shall discuss in a few moments, but he raises the question as to whether it is essential. On one side of the fence he cites a decision holding that its approval applies only in case political matters are involved. In that connection, Mr. President, I shall quote from one of the greatest writers in America on the subject of constitutional law, not heretofore quoted by any Senator in this argument. I should like to have the record show clearly that Willis, on constitutional law, states:

A third method is that of interstate compacts.

In this I think he is quoting very largely from Storey.

This method is available both for justiciable and nonjusticiable disputes and both when the Federal Government has no power and when the Government has a concurrent power.

Please note that language.

It has been held again and again that the States have the power to enter into compacts with each other with the consent of Congress, and apparently in the case of interstate compacts unlike compacts with foreign countries, political questions are not excluded.

Continuing the quotation:

Apparently if interstate compacts do not involve political questions the States have some power to enter into them without the consent of Congress. * * * As to matters of this sort, with the exception of interstate commerce, the United States can have no public interest nor concern and they do not entrench upon the national authority and there is no reason why the Congress should be required—

"Should be required." But the Congress, through 150 years, has by its own actions distinguished between what is imperatively necessary and what is advisable. Last week, as I have stated, the Judiciary Committee having favorably reported, the Senate approved a compact by three States in relation to boundary lines, a type of compact as to which it has been repeatedly held that congressional approval is neither imperatively necessary nor required. But the Senate gave its consent.

Mr. President, I again have in mind the advice of the old judge to the youthful lawyer, "Argue your equities." Sixteen commonwealths out of the 48, comprising one-third of the States of the Union, have come to this august body.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. COOPER. Before the distinguished Senator passes to the question of policy or advisability, I should like to ask whether, upon the basis of the authorities he has read, he is prepared to say as a matter of law that the compact now under consideration requires approval by Congress.

Mr. WILEY. I shall go into that fully. I wish to argue the three facets of the matter together. I may reply to the Senator's question by asking him whether, on the basis of the facts, he can say that in his humble opinion approval is unnecessary? Has not the Senator so stated previously?

Mr. COOPER. I would say, in my humble opinion—and it is in my humble opinion—upon the basis of cases which have been decided by the Supreme court, the compact under consideration does not require congressional approval.

Mr. WILEY. I so understood. In that respect, the Senator agrees fully with the Senator from Oregon.

Mr. COOPER. That is correct.

Mr. WILEY. In the other points of his discussion I understand the Senator did not concur. Has the Senator reached the conclusion, from an examination of the precedents, that 9 out of overy 10 of the precedents, using, now, the Senator's logic, hold that Congress has heretofore approved when it was necessary to secure approval or when it was considered advisable?

Mr. COOPER. I would say that there are three sources of legal authority which may be examined. First, there is section 10, article I of the Constitution itself. One method of interpretation is that of association of subjects. The subject matter of section 10, other than compacts and agreements against which State action is prohibited relate to the invasion of Federal power.

The second field of authority is found in the decisions of the Supreme Court. I think the distinguished Senator must admit that the decisions hold, first, that all compacts do not need congressional approval and second, that compacts need congressional authority only when an invasion of Federal authority is involved.

There is a third source of legal authority, found in the action which has been taken by Congress prior to this time. In the report of the committee 112 compacts which have been heretofore approved by Congress are cited as precedents. A study of the subject matter will show that they relate to matters in which the Federal Government had some interest.

Mr. WILEY. I do not think I can disagree with that statement. What I wanted to make clear to the distinguished Senator from Kentucky was this: We start with the premise that in the argument of the distinguished Senator from Oregon [Mr. MORSE], who has carried the brunt of the battle, there is a conflict of authority. Distinguished Senators say there is conflict as to whether, in cases such as the one before the Senate, it is absolutely essential to have congressional consent, or whether it is advisable. I say that in such a case we do not have to spend our time arguing it. Consent can be given as it was given last week in the Wisconsin case. But it is important, Mr. President, to distinguish between cases in which consent is essential and cases in which it is only advisable, because, as my argument will show, the power of the Government to impose conditions exists only in cases in which it is essential. They are limited by the language of Mr. Justice Hughes to whether conditions are appropriate or whether they transgress constitutional limitations. That, in substance, is a quick analysis of my argument.

Is it advisable, under all the facts, to approve the compact? The Senator from Kentucky has just said that consent is not essential. That is the very essence of the argument of the Senator from Oregon. I say if it is not essential, but is advisable, the question of whether it is advisable depends upon the facts and the equities. I started by saying that one-third of the States of the United States has come to the Congress with a petition, if it may be called that, or a compact. The other House of Congress has approved the compact. In that petition or compact those States are asking that they be empowered to enter into a system of regional school building for the benefit of the citizens of that area. No one has contended that building a school is interstate commerce. Consequently, the Federal Government does not "get its nose under the tent" because of the commerce clause. No one contends—and I say this advisedly—that the building of a regional school, in and of itself, is a violation of the fourteenth amendment. No one would so contend, nor has it been said that it could, by any stretch of the imagination, do away with constitutional segregation in those States. The contention has been that it will extend segregation. Mr. President, I remember French history, which tells us that Madam Roland said, "Oh, liberty, what crimes are committed in thy name." Paraphrasing that statement, I say, "Oh, civil rights, what crimes are committed in thy name." One of the crimes that will be committed, if the Senate should listen to the argument against giving consent, will be to tear down Meharry Medical College. Secondly, it will do away with the collaboration and cooperation, which are so necessary in this age, into which 16 States have entered with the idea of building up the educational fabric of the South.

Some persons are against segregation in schools. I have spoken my piece on that subject. I do not favor segregation

in my State. If I were to move to the South and live under southern conditions and raise my little brood, as I have raised four, I do not know whether I would favor segregation. I have been against segregation because, in the North, it is no problem. In my State we live with the colored people in our business relations, and they are our equals. But I have traveled in the South and in the isles of the Caribbean, and I have visited places where I could see there might be two sides to the segregation issue. But the segregation issue is not here involved. It is thrown into the discussion as a red herring to befuddle our thinking and to do away with a constructive step by 16 commonwealths.

I say it is undisputed—I am speaking about the equities—that a failure to give consent means a deterioration and breakdown of the entire policy. What is this policy? In simple words, it is that 16 States, which heretofore economically have not been sufficiently strong to build up their schools, want to join together to build regional schools. How does it work? Let us first consider the State of Florida. It has no medical school. Consequently, under the interpretation of the Supreme Court, there is no medical education for either black or white persons, and it is not the obligation of the State to give medical education. Only if and when the black or white are favored unduly does the fourteenth amendment come into play because of the question of equality.

The Senator from Oregon said in effect that the dissolution of Meharry College did not mean anything. That is contrary to all the facts. Fifty-six percent of all the colored doctors in America have come from Meharry, and, as shown by the argument of the distinguished Senator from North Dakota, there is a greater need than ever for colored physicians and dentists.

I am speaking about the equities, I am speaking about the obligation of the Senate in regard to the question whether it is advisable—after these distinguished Senators say it is not necessary—to get the consent of the Congress, and I cite the fact that of the 112 cases decided by the Senate, nine out of every ten of them prove that it was not necessary but advisable for the Senate to lend its consent.

Mr. President, I am glad the distinguished President pro tempore is paying attention to this legal argument. The second question is, Assuming consent is not essential, if Congress should give consent, could Congress impose conditions? Justice Hughes said in his decision, in substance, that only where consent is essential may the Congress impose conditions. That is merely common sense, as I shall demonstrate in a few moments in discussing the question of constitutional limitations. I repeat, only where consent is essential may Congress impose conditions.

Of course, this part of my argument does not go to the question of the advisability of imposing what I call the nefarious conditions which are proposed. It is a question of whether Congress may, following the argument of these Senators that congressional consent is not essential, impose conditions.

Now we come to the second issue. Assuming consent is essential—and the opponents will not assume that—if Congress wants to adopt the Morse conditions, can these peculiar conditions be imposed?

We remember that the Court has said that when congressional approval is essential, Congress may impose conditions if the conditions are appropriate to the subject, and if they do not transgress any constitutional limitation. I ask, Mr. President, is it appropriate for the Federal Government to attempt to change the constitutions of 16 States? Is it appropriate for the Federal Government, after the Supreme Court has said that segregation in the States is in substance constitutional if equality of education is furnished to impose a condition as to segregation? In none of the cases where equality was not furnished did the Court ever upset segregation provided for in the constitutional provisions of those States. All the Court did was to say, "Mr. State, you must provide equivalent educational mechanism."

Are such Morse conditions appropriate to the subject? What is the subject? Sixteen commonwealths want to make a compact to provide for the building of regional educational institutions to take care of the educational requirements of the people of those 16 States. Is it appropriate? It is not possible to find any cases on that point. It is necessary to use common sense, and sometimes I agree with Dooley, who said, "Be jabers, they call it common, but it is the scarcest commodity on the market."

If we are going to permit arguments such as we have heard here to barricade, in this instance—because it involves 16 Southern States—the rights of those States to carry on, all in the name of civil rights, what crimes are being committed in that name? That slogan is like the word "liberal." Senators remember the story of the southern gentleman who was elected judge and who was supposed to be a liberal. In one of his first cases after one of the boys had been found stealing a chicken he gave him a sentence of 16 years. The judge said after he had sentenced him "Have you anything to say, Moe?" Moe replied, "Yas, suh; you is pretty liberal with other people's time."

We often hear the word "streamlining." It is used widely throughout the country. Newspapers, commentators, and foggy artists use it. Every time we hear anyone say something is going to be streamlined, we think the millennium is to be brought about.

Mr. President, I am coming now to the other subject. I have asked, Are these Morse amendments appropriate to the subject? The second question is, Do the Morse conditions transgress constitutional limitations?

I ask again, Is it appropriate for the Federal Government to attempt to change the constitutions of 16 States? Is this the time and place for my good friend to be stressing the subject of equal rights? Both the Senator from Kentucky and the Senator from Oregon, as I have said, agree that, as the decisions stand, education is a State function and that the fourteenth amendment can operate only when there is not equality of education, but it has never been held that equality operates to do away with segregation. In other words, it has never been held that the constitutional provisions of a State, in a matter that is strictly a State matter, can be upset.

Do the Morse conditions transgress constitutional limitations? I should like to ask the Senator from Kentucky that question, do the Morse conditions transgress constitutional limitations?

Mr. COOPER. Mr. President, the distinguished Senator will recall that when I discussed this matter last Monday I took the position that it was unnecessary to have the approval of Congress to the compact, and that any amendments offered would be ineffective. I agree with the Senator from Wisconsin, and in my argument on Monday, upon the premise that the Federal Government had no power at all to interfere in the field of local State tax-supported education, argued that the approval of the compact was unnecessary, and that any amendments offered to the compact would, in my opinion, be absolutely ineffective and meaningless.

Mr. WILEY. I want to thank the Senator. That is just the way I understood his argument. Yet I have heard the Senator from Oregon a dozen times on the Senate floor praise the Senator from Kentucky and say that he agrees with him 100 percent. I wonder if the Senator from Oregon really understands the import of the argument of the Senator from Kentucky. The Senator from Kentucky agrees fully with me on every argument I have been making except possibly one. He says it is totally unnecessary to have the consent of Congress; that the States can proceed without it.

Oh, but Mr. President, the evidence is pretty clear that reputable lawyers feel that it would be advisable to secure the consent of Congress; that this is a domain of no man's land because it involves setting up legal institutions, institutions which can possibly issue bonds, erect buildings, acquire land, hire school teachers, promulgate educational regulations; that it is something new; that there has been nothing like it before in the history of America.

The Senator from Oregon says several of the States have sent some of their students into other States and it was not necessary to have congressional approval nor was it advisable. Who ever said it was? But the Supreme Court has said very definitely that equality of mechanism means such equality within the State; and if one institution is erected for whites one must also be erected for the colored people in the State.

I am glad indeed to have my good friend, the Senator from Kentucky, for whom I have a deep affection, come over on my side of the fence.

I now want to quote fundamental law, as follows:

> Congress has no inherent sovereign power in the realm of domestic legislation. In internal affairs the Federal Government can exercise no power except those specifically enumerated in the Constitution and such implied powers as are necessary and proper to carry into effect the enumerated powers.

That is from *United States* v. *Curtiss-Wright Export Corp.* (299 U. S. 304).

In contrast to the position taken by the Senator from Oregon, the position of the Senate Committee on the Judiciary when it approved the legislation providing for the compact, and of its chairman, is as follows:

First. There are cases where the consent of Congress is imperatively necessary when compacts are entered into between States.

Second. When such is the case, the Congress may impose conditions, if such conditions are appropriate to the subject and such conditions do not transgress constitutional limitations.

I should like to ask the Senator from Kentucky another question, because I appreciate his fine mind. He has heard me say several times, quoting the distinguished former Chief Justice Hughes, that in those cases where congressional approval is essential, conditions can be imposed if the conditions are appropriate, and if they do not transgress any constitutional limitations. That is the basis for question No. 1. Assuming it to be essential to secure the consent of Congress in the present case, would the Senator from Kentucky say that the Morse conditions are appropriate?

Mr. COOPER. Mr. President, if it were assumed that it is essential in the present case to have congressional approval, which I do not admit, the amendment offered by the Senator from Oregon would be entirely appropriate and could be imposed by this body.

Mr. WILEY. The entire amendment?

Mr. COOPER. I would say that if it is deemed that it is essential to have congressional approval of the compact it can only be upon the ground that there is an invasion of Federal power, and, that being true, the Congress could impose any condition it desired. I again say that this demonstrates the weakness of the position; you must admit if you oppose the Morse amendment that there is not any essentiality for the approval by Congress.

Mr. WILEY. May I continue the inquiry just a little bit further? We have assumed for the sake of the argument, which is entirely different from the statement of the Senator from Kentucky and the Senator from Oregon, that consent is essential.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. WILEY. I yield.

Mr. MORSE. I do not understand that statement. I could not hear it all. I want to be sure the Senator was quoting me accurately, if he was quoting me.

Mr. WILEY. I made the statement several times that the Senator from Oregon and the Senator from Kentucky have agreed in relation to the particular compact pending before the Senate, it is not essential to have the consent of the Congress.

Mr. MORSE. That is correct.

Mr. WILEY. Very well. Now, I wanted to ask the Senator from Kentucky a question. Assuming that it is essential, does the Senator see any reason for imposing such conditions as the Senator from Oregon would impose? That goes to the word "may" used by the Court.

Mr. COOPER. Assuming that approval is essential—two questions are raised—the question of the legal effect of such an amendment and the policy effect of such an amendment. Speaking to the first question, I would say that as the law stands today, under the decisions of the Supreme Court, it is my opinion, and here I differ with the Senator from Oregon that the adoption of the amendment does not change the existing law. I do not argue now the merit of a decision but it is true that the Supreme Court has not said that there shall be no segregation in schools. Unless the Court should reverse its decision, then I would say that the amendment, even if it is accepted, would not be effective.

Mr. WILEY. I am glad to have that statement.

Mr. COOPER. I want to say to the distinguished Senator that I have not changed my position one iota from the statement I made on Monday.

Mr. WILEY. I do not think the Senator has.

Mr. COOPER. I have taken the position all the way through that in this case there is no essentiality in that there is no invasion of Federal power. Therefore the approval is not necessary, and any amendments which are offered cannot in any way bind the States.

Mr. WILEY. From the last statement of the Senator I understand clearly that he and I agree on this point, that where it can be said approval is not essential, no conditions can be imposed by the Federal Government. Does the Senator agree to that statement?

Mr. COOPER. I have so stated several times.

Mr. WILEY. That is fine.

I was speaking of the position of the majority of the Senate Judiciary Committee, including myself, that there are cases in which the consent of Congress is imperatively necessary when compacts are entered into between the States. When such is the case, the Congress may impose conditions which are appropriate to the subject if such conditions do not transgress constitutional limitations.

I did not quite get the idea of the Senator from Kentucky. Assuming again that congressional consent is essential, and that under such circumstances the Congress has the authority to impose conditions which are appropriate if they do not transgress constitutional limitations, the first question, that of appropriateness, calls for judgment. The Senator might say that one thing was appropriate, and I might say that another thing was appropriate. Therefore it is a question in the individual case as to what would be appropriate, because Congress does not have to impose conditions. It may impose them. The point I was getting at was this: In the judgment of the Senator from Kentucky, assuming that consent is essential, would he say that it would be appropriate to impose such conditions?

Mr. COOPER. Mr. President, I think we are getting into a rather involved legal discussion.

Mr. WILEY. No; this is a question of fact.

Mr. COOPER. I do not want the statement which I previously made to be misunderstood. I have taken the position from the very beginning that the Federal Government has no power in the field of local tax-supported schools and for that reason we cannot impose any restriction of any kind upon the action of the States. A moment or two ago the Senator asked me a question, based upon an assumption that it is essential to have approval, if then the amendment proposed by the Senator from Oregon would be effective? I say that if we assume the essentiality of approval, then we assume that the Federal Government has power in the control of local schools. If we go so far as to say that the Federal Government has such power, then, of course, Congress can impose the restriction proposed by the Senator from Oregon.

Mr. WILEY. The Senator has not answered my question. I am asking him whether or not he personally feels that under these circumstances it would be appropriate to attach such conditions.

Mr. COOPER. Assuming that consent is essential.

Mr. WILEY. Yes.

Mr. COOPER. The Senator has asked me a very difficult question. I tried to discuss it in my argument the other day. I must come back to the fundamental position which I hold, that I do not believe that the Federal Government should interfere in the control of schools. I oppose the centralization of power in the Federal Government for that purpose. Upon that basis I have said that when adjustments are made in the field of segregation and other controversial fields, I think they will come about as the result of progressive interpretation of the law by the courts, action by the States, and action by the Congress in proper fields. For that reason, I do not believe that the attachment of such an amendment to this measure is proper.

Mr. WILEY. I thank the Senator. I believe that he and I now agree on practically every angle of the case before us. So the statements of the distinguished Senator from Oregon do not gibe with the conclusion which I have just stated.

We were discussing the position of the Senator from Wisconsin as chairman of the Judiciary Committee, and the position of the majority of the committee. We have taken the position that there are cases in which the consent of Congress is imperatively necessary when compacts are entered into between the States. When such is the case, Congress may impose conditions if such conditions are appropriate to the subject and do not transgress constitutional limitations.

We have just received the answer of the distinguished Senator from Kentucky, to the effect that he does not believe that such conditions are appropriate to the subject, even if we assume that it is essential to have the consent of Congress.

I am glad to see that the distinguished Senator from Oregon is in the Chamber. If he had been present earlier I would have been very happy to ask him a few questions. I shall carry on.

Mr. MORSE. I am at the Senator's service.

Mr. WILEY. There is no question about that. I know of no other Senator so fecund of expression and versatile of intellect, or with such a wonderful smile as that of the Senator from Oregon.

Mr. MORSE. I thank the Senator.

Mr. WILEY. There are cases, as exemplified by approval of the Congress of a compact a week ago between Wisconsin, Michigan, and Minnesota where, under all the facts, it is advisable to approve the compact, but it is not absolutely essential to have approval. There is a vast difference, when we return to the original language of the Constitution and see what it means.

Personally I have no fear of the consequences in this case. I think we must prove ourselves mice or men. The suggestion of my dear friend from Oregon that he would insist on attaching all the civil-rights amendments does not bother me at all. They have no place in this discussion, and they would simply be brought in as an impediment or barrier in the solution of a very important social and educational problem.

The facts and the equities in this case make it advisable to have the approval of the Federal Government. I have gone into those facts. I discussed them at length when I first took the floor 3 days ago, and I shall not restate them. The facts should be made apparent to everyone who has eyes to see and ears to hear. Sometimes in the serious discussion of problems which we are called upon to solve we should recharge our batteries with humor.

In such a case as indicated by Judge Hughes, no conditions can be imposed, because consent is not essential. In cases in which consent is essential—and I am stating my conclusions and the conclusion of the majority of the committee—when it is essential to have Federal Government consent, the courts have held that the Federal Government may impose conditions. Therefore in this instance the Senate must decide; first, whether consent is essential; and if it is essential, then whether it is desirable to impose the Morse conditions. Both the Senator from Oregon and the Senator from Kentucky, as well as other Senators, say that consent is not essential. Other Senators say that it might be. Therefore, is there any reason why we should hesitate to perform a function which we have performed 116 times before, and which we performed only last week?

If the Senate finds that consent is essential, and it decides to impose conditions, the right and nature of those conditions are limited by whether or not such conditions are appropriate to the subject and whether or not such conditions transgress constitutional limitations. I have repeated that statement so often because there is a great deal of confusion on the issue. My conclusion is that the conditions suggested by the Senator from Oregon are neither appropriate nor constitutional; and that is the conclusion of the Senator from Kentucky, as it stands on the RECORD.

We are confronted with a situation in which, in the first place, the Senator from Oregon contends that Congress should not approve the compact, because such approval is not necessary; but, in the second place, even though the Senator contends that such approval may be unnecessary, he attempts to impose conditions. Such an attempt is a complete contradiction of his claim that congressional approval is unnecessary, because conditions can be imposed only if it is absolutely necessary and essential that the consent of Congress be given in the first place.

Mr. President, it is extremely disappointing to me to find it necessary to disagree with distinguished Senators, particularly Senators of my own party, the Republican Party, which throughout its history has been a champion of civil rights, both on this particular issue and on all other issues. The Republican Party has championed the right of men of all races, creeds, and colors to equality under law. Mr. President, the phrase "equality under law" is a magnificent one. But because of so much misunderstanding as to what constitutes civil rights and because of the loose thinking that is occurring and the propaganda that is being disseminated to groups of all kinds, we have rather forgotten and overlooked the great values which we have in this country. That does not mean that we cannot evolve through the years. It does mean, however, that we shall evolve only if and when the individual himself evolves. "Work out your own salvation" was the mandate of the Master; and nations grow strong and correct their inherent faults only by the work of individuals.

The other day the Senator from North Dakota [Mr. LANGER] mentioned on the floor of the Senate the fact that the students at the University of Texas have objected to segregation. Ah, Mr. President, there is a light in the darkness. Then why do not the citizens of Texas amend their constitution? But we are a government of majorities, and our Federal Government is separate and distinct, in the sense that we have 48 Commonwealths with powers which have never been delegated to the Federal Government. As I have pointed out, the Federal Government has only the powers which have been given to it by the States. I refer to domestic powers and those necessary to put into operation such powers.

So, Mr. President, I have hope; but I am not ready, simply because there is a thief on the train, to put a block on the track and wreck the entire train. I might get the thief in that way, but I would also hurt a great many other persons. So I am not ready, in the name of civil rights, to interfere with what the Senator from Kentucky calls the constitutional rights of the States of the Union—and I agree with him.

In my previous remarks I referred to the point that once a camel gets his nose under the tent it is not long before he gets his whole anatomy under it. Similarly, Mr. President, the next thing we know some of us from the North might find ourselves confronted with a bureau in Washington in comparison with which the FBI would be only a drop in the bucket. The same issue arises in connection with the antilynching law which we on the committee are studying. No one favors lynching or murder; but we have a problem there, too, and it is now before the Judiciary Committee, and the Judiciary Committee is going to take time enough to know what it is doing.

Mr. President, I have stated time and time again that I do not favor educational segregation. I am opposed to mob action which deprives any citizen of his constitutional rights. But I am also in favor of the Constitution, because it has made this country the greatest land in the world.

A few moments ago, when I first took the floor, I made some remarks in reference to the statements made yesterday by the Senator from Illinois [Mr. LUCAS], whom I am glad to see on the floor of the Senate at this time. My remarks were in relation to the displaced-persons bill. Mr. President, why do millions of people wish to come to this country? Is it because our country is not a desirable place or is it because it is the best country on earth, where liberty exists, where men live to the full? Of course, it is true, Mr. President, that in many respects we have not progressed as far as we wish to, but we are making progress, and we shall continue to do so if we do not derail the train.

Mr. President, I assure my colleagues that it would be very easy for me to go along with some of my friends, Senators representing Northern States, for the supposed purpose of protecting the American Negro population; I assure the Senate that it is difficult to disagree with my colleagues; but I take my stand in behalf of full respect for the Constitution. As I see it, I can do nothing else.

My good friend, the Senator from Oregon, has referred to the committee hearings. I wish all Senators would examine the hearings. If they do, they will find that the colored people who opposed this measure took up three-fourths of the record at the hearings. They will also find that the lawyers representing the colored people were given every opportunity to file briefs. They will further find that the brief and the argument which have been presented to us by the Senator from Oregon, as I said at the beginning of my remarks, are based upon the material the colored people presented at the hearings; and Senators will also find that the Attorney General, through his Assistant Attorney General, gave his opinion to the committee. That opinion is in the record, despite what the Senator from Oregon has said to the contrary. The opinion will be found at page 58 of the committee hearings. It is signed by Peyton Ford, Assistant to the Attorney General.

Mr. President, I have taken a great deal more time than I had expected to take. I agree that under the decisions there is a question as to the need for congressional approval, but I say there is no question that it is advisable. Since we have approved one compact which relates only to boundary lines between the States of Wisconsin, Minnesota, and Michigan—and there is a vast difference between that compact and the one we are now considering, the details of which I have already gone into—then there is

no reason in the world why the Senate should not approve the compact now before us, and especially so when we consider the fact that 9 out of 10 of the other compacts the Congress has approved fall in the same category, the group of compacts for which approval has been regarded as advisable.

In the quotation I read from Willis on Constitutional Law, Mr. President, he said:

As to matters of this sort—

Referring to compacts—

the United States can have no interest and concern.

He intimates that in such cases approval is not necessary. The words "interest and concern" are words of wide meaning and import. Within the last week or so the Senate has demonstrated its interest in education by passing a bill providing for $300,000,000 for aid to education. Why was that done? It was done because it was clearly demonstrated that the Government had an interest in that matter because during the last world war 1,200,000 of our young men were found deficient in education and were found not to have the equivalent of a fourth-grade education, and as a result were rejected for service. Does the Government have an interest? Yes. However, that interest does not become primary in the sense that it can militate against the underlying right of the State to determine its educational policy. But the Government has by its own act shown its interest, and that is therefore an added reason for saying that approval of the compact under consideration should be found unnecessary but advisable. It is an additional reason for not agreeing to the motion made by the Senator from Oregon to refer the joint resolution to the committee.

Again, on the question of interest, I repeat with the lawyers from the South, that with 16 States, comprising one-third of the United States, represented, the Government had better have an interest and a concern.

I am happy to restate what I think was the conclusion of the distinguished Senator. Certainly the conditions found in the amendment offered by the Senator from Oregon are very inappropriate. In the first place, they violate the constitutions of the various contracting States with respect to a subject the Senator admits is within the jurisdiction of those States, namely, education. That being so, the language proposed transgresses the constitutional limitations upon the power of the Federal Government to inject itself into strictly State affairs.

As I stated before, this is another instance of the wisdom of the founding fathers. Let us consider the geographic situation that existed in the days when the fathers drafted the provision and wrote it with living letters into our Constitution. Thirteen States, 13 commonwealths—aye, more, 13 nations, were asserting their independence, they were creating tariff walls; some of them were arming with a view to making war upon the others. All at once, the wisdom of the fathers, the wisdom of Washington, Hamilton, Madison, and others, brought into being the Constitution. In their consideration of this particular subject they wrote into the Constitution language saying to the States, in substance, "You cannot go ahead and make agreements between and among yourselves. You cannot make compacts."

It is agreed by all authorities that "compacts" is a wider, a more extensive term than "treaty." That provision was written into the Constitution as a matter of self-protection, in order that a disintegrating process should not come into being. It was provided that a compact must be approved by Congress. Following through the years, an attempt was made by the courts to ascertain what the real intent was, which resulted in conflicting precedents. Authorities from one university said, "The language means just what it says." One court wrote into its opinion an obiter dictum, saying, "It applies only to political matters." But not so Judge Story. A man of profound learning, he wrote his commentaries as soon as possible after this country came into its own as a constitutional Republic. From the language which appears at several places in the record, it is very clear that there is a distinction between cases in which consent is necessary and cases in which consent is merely appropriate or advisable. It is further clear, I repeat, that, if necessary and essential, then only such conditions may be imposed as are appropriate and are not violative of constitutional limitations.

Yes, Mr. President, on the question of interest and concern, I say the Federal Government has an interest and concern in this matter in aiding the 15 or 16 States to expand public education. The Federal Government should also be interested to see that, every time some constructive legislation is presented to the Congress, Congress is not swayed by synthetic thinking on irrelevant issues. Let it not be swayed from a right course by the injection into this case of the so-called civil-rights issue, and, Mr. President, using quoted language, that is a mighty big "interest and concern."

At the start my dominant purpose in asking congressional approval of the compact was to fulfill my obligation as a Senator of the United States. On the other hand, I respectfully submit that the position taken by the Senator from Oregon is, first, to abandon the right of Congress to approve compacts in important fields when necessary or advisable; and, second, in the event he is unable to weaken the Constitution along that line, he would absolutely violate the Constitution by asking the Federal Government to impose its judgment in a field in which the State jurisdiction is unquestioned.

For the above reasons, Mr. President, I believe the Senate should reject the motion to refer House Joint Resolution 334, and should thereafter give its approval to the compact.

Mr. MORSE. Mr. President, I yield 10 minutes of our time to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOPER. Mr. President, it seems to me that the course of the debate has become quite involved in legal, technical discussion. It is not my purpose to further cloud the issue by an involved discussion of legal points. I propose to speak for 10 minutes, and in that time to discuss as clearly and succinctly as possible the grounds upon which I base my opposition to the adoption of the resolution, and my support of the motion to recommit offered by the junior Senator from Oregon.

In the first place, I oppose adoption of the resolution upon legal and constitutional grounds—upon the ground that there is no necessity for approval of the compact by Congress. As I said a few moments ago, in colloquy with the distinguished Senator from Wisconsin, I believe there are three sources of legal authority for the determination of this matter.

One is the section of the Constitution which applies to this subject, namely, section 10 of article I. The second source of authority is the series of cases which have been decided upon the point by the Supreme Court of the United States. The third is found in the compacts which have heretofore been approved by the Congress. These, to my mind, are the only sources of legal authority which can lead the Congress to a determination of the question of its authority and power to approve the compact. I now say, in opposition to the very able argument which has been made by my good friend from Wisconsin [Mr. WILEY], that a study of these three sources of authority leaves no doubt that Congress is only required to approve a compact if it proposes in some way to invade a field of Federal authority. Applying that test to this situation, we can reach only one conclusion. The proponents and the opponents of the resolution agree upon one point, namely, that the field of State tax-supported education is the peculiar prerogative of the States. I can think of no States in the Union which would more jealously or more zealously protect and defend that prerogative than would the very States which are now asking Congress to approve this compact. The powers of the States and of the Federal Government have been separated. The Supreme Court of the United States has said again and again that the field of education falls within those powers separated to the States. That being true, when States propose to establish or maintain schools, I think it follows logically that they are not attempting to invade any field of the Federal Government. Upon that test it seems to me to be clear that there is no necessity for approval of the compact; and if there is no necessity for such approval, then there certainly is no authority for the Congress to approve this compact.

The inconsistency of the position of the proponents was very clearly demonstrated yesterday in the exchange between the distinguished Senator from New York [Mr. IVES], who now occupies the chair, and the distinguished Senator from Utah [Mr. THOMAS]. They argued at some length over the details of an amendment to this compact which had been offered by the distinguished Senator from New York, when both had

or would admit that Congress could not in the first instance limit the power of the States in the field of education.

A second inconsistency will appear if the motion of the Senator from Oregon [Mr. MORSE] is defeated. If the resolution is not recommitted, and the amendment offered by the distinguished Senator from Oregon comes before this body for decision, we shall see the proponents of the measure, who now say that there is some power or authority of Congress which demands approval of the compact, take the reverse position, and they will say that Congress has absolutely no authority in the field of local or State tax-supported education. The argument inconsistent with that now advanced for approval of the compact will be made upon every amendment which is proposed to the compact, if the motion to recommit is not agreed to.

Mr. President, I now want to turn my attention to the argument of my distinguished friend from Wisconsin [Mr. WILEY] that the compact should be approved as a matter of advisability. That is another way of saying that it should be approved as a matter of policy. With all due regard for my very good friend, I cannot remember that in his argument he stated whether he believed that the compact legally required the approval of Congress.

Mr. WILEY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. WILEY. Again we come to a question of definition of terms. The Senator used the word "required," in the sense of being mandatory. If we read the language of the amendment in the Constitution and read the articles written by the professor of Yale University, and other articles submitted by the distinguished Senator from Oregon, we shall find that there is a disagreement as to whether all compacts are required to have consent. It will be found that there are only certain compacts which require consent.

Mr. MORSE. Mr. President, will the Senator yield for a parliamentary purpose?

Mr. WILEY. I yield.

Mr. MORSE. I should like to have an understanding with the Senator that the time he is consuming shall be taken from his time and not from our time.

Mr. WILEY. I supposed I should be kind enough to answer the Senator from Kentucky [Mr. COOPER].

The PRESIDING OFFICER (Mr. IVES in the chair). One minute has already been used by the Senator from Wisconsin out of the time of the Senator from Kentucky.

Mr. WILEY. Mr. President, I shall be very brief. I am sure that in my interrogation of the Senator——

Mr. HOLLAND. Mr. President, I yield to the Senator from Wisconsin whatever time may be necessary to answer the statement of the Senator from Kentucky.

Mr. WILEY. I want to get back to the position which the Senator has taken in his statement, which, in my opinion, is simply that if and when it is not mandatorily required that consent be had, there should be no consent. Is that correct?

Mr. COOPER. Yes.

Mr. WILEY. I say that if there ever was a case in which we cannot distinguish between what the opponents are contending for, it is this case, because, while they say it is not essential to have consent, they then proceed to say, "But we can impose conditions." The Senator from Kentucky has agreed with me this afternoon that if consent is not essential, we cannot impose conditions. The Senator from Oregon has quoted authorities on both sides of the question. He has been very free about that. He has quoted reports from Yale University interpreting the constitutional provision to the effect that the language means just what it says and that there is no leeway. Then he quotes decisions to the effect that there are cases in which the consent of Congress is not needed. Then he says there are other cases in which consent is needed, and that we can impose any condition desired. He forgets the language which says, "unless it is appropriate, or if it does not transgress constitutional limitations."

Mr. President, I thought I had a clear understanding with the distinguished Senator from Kentucky as to his position. Do I correctly understand that he means to reverse what he said this afternoon?

The PRESIDING OFFICER. Is the Senator from Kentucky speaking on his own time, or on the time of the Senator from Wisconsin.

Mr. MORSE. I shall be glad to yield time to him.

Mr. HOLLAND. Mr. President, I yield time to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Kentucky has 3 minutes remaining in which to conclude his remarks.

Mr. COOPER. I have not reversed or changed my position at any time during this argument. I want to pass from the very short discussion of my position on the legal aspects of the subject to the question raised by the distinguished Senator from Wisconsin concerning the advisability of approving this compact. He bases his argument in part upon the necessity of approval of the compact to aid a particular school, Meharry College.

I pointed out in my argument a few days ago that Congress could confer no power on the States which they did not already possess under their own laws. If they possess the power under law to appropriate and help the school which has been so often referred to, as well as other schools, they can appropriate money and help them without the approval of Congress. If they do not possess the power, Congress cannot supply the deficiency. I would like to see this school aided and believe that the States have the right to enter into a compact to aid without our approval. I do not believe that my objection made to the approval of the compact is simply a technical or legalistic argument. I oppose it as a matter of policy, as my distinguished friend the senior Senator from Wisconsin supports it as a matter of policy. I oppose it because I believe it is bad policy for the Congress to suggest or assume that the Federal Government has the power to interfere in the field of local, State-supported educational institutions.

There is a trend in this country today toward the centralization of power in the Federal Government. We have seen the progressive steps taken in localizing power in the Federal Government. We have seen it in the interpretation of the commerce clause, and in the interpretation of other sections of the Constitution.

I do not deny or question that some of the progressive steps that have been taken were needed, but I do oppose the extension of any Federal power in the field of State tax-supported education. It has been chiefly upon that ground that I have opposed the approval of the compact, and that I oppose any of the amendments which are offered.

I should like to speak for a moment—and then I shall close—upon the question raised about civil rights.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COOPER. May I have 1 minute more?

Mr. MORSE. I yield the Senator 1 minute more.

Mr. COOPER. I said Monday that the questions which have been raised in this debate will probably be raised again when the civil rights matters are presented directly to the Senate, and when they are presented, so far as I am concerned I intend to consider them in the light of their constitutionality under present decisions of the Court, or under a reasonable interpretation of the Constitution.

I believe always that inequalities and injustices can only be corrected in legal and constitutional ways. I will not vote for political measures. The law and the Constitution are always the protectors of individual liberties and rights. The chief matter for the determination of this body in respect to the pending resolution relates to the preservation of the division of powers between the States and the Federal Government, and particularly in the field of local education.

Mr. HOLLAND. Mr. President, in my opinion the subject before the Senate has been fully debated, and temperately, and I shall continue to debate it temperately, and in the hope that I may bring out some things which have not been mentioned, or which have not been mentioned as fully as I should like to have them considered by the Members of the Senate.

In the first place, I call attention to the fact that any action referring the House joint resolution to the Senate Committee on the Judiciary cannot be construed in the favorable light of the Congress having decided that no authority exists in it or no necessity exists for the submission to it of this particular compact, for the giving of its consent. That follows from two facts, first, that the House of Representatives passed on the question; and I hope Senators have read the arguments made in the House, particularly by three Members of the House, Representative MARCANTONIO, Representative ISACSON, and Representative POWELL. The same questions were raised, and the House has decided—and certainly it has as much authority to

decide this question as has the Senate of the United States—that it should approve the compact, and it has done so by a vote, as I recall, of about 5 to 1.

Likewise, when the matter has come to the floor of the Senate for debate, while there is one Senator, the distinguished junior Senator from Kentucky [Mr. COOPER], who has taken his stand peculiarly and solely on the legal question, as I have understood him, there are others who have made it quite apparent in their arguments that they feel that this particular measure should not be approved in its present form because they believe that if and when approved it should carry attached to it a nonsegregation condition.

I remember in particular the very forceful and firm argument on that point made by the Senator from North Dakota [Mr. LANGER]. Surely he was speaking out of his conviction, if not upon his experience, and the Senate will recall that he made it very clear that he felt that the only way in which an American institution of higher learning could properly be conducted as he saw it under real American and democratic philosophy was not only under a policy of nonsegregation, but that that policy should go down, as he put it, to the very level of girls of the two races occuping the same room while they attended the institutions of higher learning.

So, Mr. President, we do not have the favorable situation in which anyone could reasonably argue that the refusal of the Senate to take jurisdiction and to approve this very useful, this highly constructive compact, was an expression of the Congress to the affirmative effect that it was not necessary or proper for the Congress to consider and give its consent or its disapproval to this particular compact.

I think that is one point that is so crystal clear that it must be fully understood at this time that the adoption of the motion to refer would not only be the death knell insofar as the opportunity of passage of the joint resolution is concerned, but that it would also be the death knell of any possible construction, on the part of any person whomsoever, that the Congress of the United States had taken an affirmative position in this matter to the effect that it could not give consent and should not give consent to this particular compact for the reason that it had no jurisdiction to do so, and that there was no necessity for it so doing.

Mr. President, I intend to speak only briefly on the legal aspects of the matter; and I may say, in passing, that I am sorry there is not a larger number of Senators present. I think it is highly regrettable that, in the hour just approaching the time when a vote will be had on this important matter, many Senators who have not participated in the discussions up to this time, and have not been present during the debate, still remain away, and must vote without hearing the arguments on this subject, which is of vital importance to an area of this Nation containing nearly 11,000,000 members of the Negro race, and containing some 35,000,000 white people. I say to the Senate that while the racial question has been injected by those who oppose the pending measure as a principal issue, it by no means should be so considered, because the full development of the educational opportunities of the white youth of the South are involved, and that involves a great many more citizens, in number, and the opportunity of many more youths, than is true with reference to the members of the Negro race, important as the compact is to them.

Coming down to the legal question, I wish briefly to recite, so that the RECORD can clearly show, these factors: First, that an able subcommittee of the Committee on the Judiciary sat and heard this matter; that this very question, the question of the necessity of the compact being given the consent of the Congress, was one of the issues presented to them, and that the able members of the subcommittee, which consisted of the chairman of the Committee on the Judiciary, the Senator from Wisconsin [Mr. WILEY] and the former Solicitor General of the United States, the Senator from Rhode Island [Mr. MCGRATH]—and I think I am not betraying any secret when I say, Mr. President, that they entered into this investigation disinclined to support the compact—both came out with the feeling that here was a compact which required consent, and their positions have been well shown. The position of the Senator from Wisconsin has been fully stated in the RECORD, and I think his legal experience and ability entitle his opinion to be considered and heard with just as much respect as that of any other Senator in this body.

Mr. MCKELLAR. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield to the Senator from Tennessee.

Mr. MCKELLAR. Before the Senator goes into the legal aspects of the matter, I want to read into the RECORD exactly what the Constitution provides in the latter part of section 10 of article I. I do not see how the language can be misunderstood, and I wonder if the Senator knows how it can be misunderstood:

> No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State.

This is a compact between several States. Why does not the compact come absolutely within the inhibition of the Constitution? The compact must be approved by Congress or consented to by the Congress. The language is unmistakable; it is clear. We might as well disregard everything else contained in the Constitution if we disregard this plain language. It is the plainest language I have ever read:

> No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State.

Mr. HOLLAND. I thank the Senator from Tennessee, and I think he is sound in the position which he has taken.

Continuing with my argument, not only do we have an affirmative holding on this matter to the effect that the consent of Congress is required to the compact by the two distinguished Senators, the Senator from Wisconsin and the Senator from Rhode Island, and affirmative action upon their findings by a large majority of the Committee on the Judiciary, but I call attention to the fact that this precise matter was referred to the Attorney General, and that the opinion of the Assistant to the Attorney General, Mr. Peyton Ford, as printed in the report of the committee to accompany the Senate bill, shows clearly what he and his associates found and what he reported to the committee.

Mr. President, the question is, Shall we, who are tied up here in the course of debating many, many matters and hearing others before committees, allow our horseback opinions to be held as of greater weight and of sounder validity than the opinion of the Department of Justice of the United States, after a reference to the men who serve the Nation there peculiarly in the field of law, and who have ample time and facilities to pursue a subject and to return a sound and satisfactory opinion which is entitled to great weight? I simply read this wording out of the report, from a letter signed by Mr. Peyton Ford, and I think the wording is so clear on this point that it requires no amplification by me:

> It appears that it is necessary for the States to obtain the consent of the Congress in order that the compact may have validity in accordance with article I, section 10, paragraph 3, of the Constitution.

Citing *Virginia* v. *Tennessee* (148 U. S. 503 (1893)).

The very case, peculiarly, Mr. President and Senators, upon which the distinguished junior Senator from Kentucky and the distinguished Senator from Oregon have predicated their argument which comes to the exactly opposite conclusion, as stated by them, that no consent is necessary. The Assistant Attorney General of the United States found to the other effect; not that it was advisable, not that it was possible, not that it was permissible, but—I read again:

> It appears that it is necessary for the States to obtain the consent of the Congress in order that the compact may have validity—

Not security from attack, not the mere assurance that they can proceed safely, but in order that it may have validity, and therefore be made the basis of any legal procedure or program.

The third point I want to make is that I have consulted the trustees of Meharry Medical College. Whatever as been said in the present debate has all been to one effect with reference to Meharry; that it is a fine institution, that it is carrying one-half or more of the load of education of Negro youth in medicine and in dentistry in this Nation, that it has been created by the gifts of many people and foundations for the serving of the members of the Negro race, and that it is doing a grand job. Now, just as this compact happened to take substantial form and to be sent here by the Governors, an offer came from the trustees of Meharry, backed by the foundations which have been making it possible for Meharry to operate for the last 10 years by paying the deficits; and that offer is that this institution be turned over to the Southern States for operation out of Southern States' tax moneys because—and I say it

is only right and just that this should be done—because the great majority of the youth who are educated there come from the Southern States.

I have in my hand and I offer for the RECORD a letter from Hon. T. Graham Hall, chairman of the Board of Trustees of Meharry Medical College, a distinguished southern citizen who lives at Nashville, Tenn., a letter which makes it crystal clear that unless the consent of the Congress is obtained to the compact tragedy will fall upon Meharry College and upon those 500 students who are now domiciled there and those others who hope to enter there, including students not only from the Southland but about 36 percent of them, as I recall, from other parts of our Nation, and a small percentage of them from foreign nations where there is no opportunity afforded for members of the Negro race to receive such training.

I read the letter for the RECORD so that Senators may realize that a vote to kill the compact is a vote to kill Meharry, and so that they may be prepared to assume the responsibility for taking such action if in their judgment it should be taken. It is addressed to me, dated May 8, and is as follows:

MY DEAR SENATOR: I am writing you this letter in order that there may be no misconception about the pending proposal of Meharry Medical College to the Southern States. Meharry Medical College is, and always has been, operated exclusively for members of the Negro race. All of its property and its endowment is held in trust for the exclusive benefit of the Negro race, and the pending offer to convert this institution to a regional basis is expressly conditioned upon the agreement of the Southern States to continue the institution on its present standard and exclusively for the benefit of members of the Negro race.

Mr. President, there could not be any clearer language than that. But I continue:

Under these circumstances, if the consent of Congress to the southern compact is conditioned upon, or in any way restricted, so as to prevent the operation of Meharry under the compact as an institution segregated for the exclusive benefit of Negroes, our proposal to the Southern States could not be accepted, since we are wholly without authority to turn over the property or the income from endowment in the absence of a binding legal obligation from the Southern States requiring the continuance of Meharry as an institution devoted exclusively to members of the Negro race.

I hope Senators will listen to the next sentence, particularly Senators who are considering assuming the responsibility for sounding the death-knell of Meharry, and of the opportunity to members of the Negro race which is involved in its continued operation.

As you know, Meharry must close its doors at the end of the present term unless congressional approval is obtained in such manner as not to interfere with the acceptance of the institution by the Southern States and its continuance as a segregated school for Negroes.

I reread that sentence because it is so clear and affirmative, and its makes it so plain that the college will perish unless Congress gives its consent, without the inclusion of any condition of nonsegregation. I do not believe that Senators will find it possible to read any other construction into that sentence:

As you know, Meharry must close it doors at the end of the present term unless congressional approval is obtained in such manner as not to interfere with the acceptance of the institution by the Southern States and its continuance as a segregated school for Negroes.

This is absolutely required in order to preserve the institution for the Negro. If segregation in favor of the Negro is prohibited, then the Southern States would be required to accept both white and colored students, and under present conditions, white students would completely crowd out Negro applicants on the basis of individual qualifications.

Surely when this situation is explained to Congress, no reasonable person, knowing these conditions, could insist upon congressional consent being so conditioned as to defeat the only existing opportunity for Negro medical and dental education in the South, and to destroy one of the only two such institutions in the United States.

Sincerely yours,

T. GRAHAM HALL,
Chairman of the Board of Trustees, Meharry Medical College.

Mr. President, I do not think it is necessary to mention further the contents of this letter, which are so clear and self-explanatory. However, I wish to say for the benefit of the RECORD and of Senators who have open minds upon this matter and who want to make the clean, wholesome, sound, and just decision—and I believe that includes all Members of this body—that Meharry has survived as one of seven institutions which were attempted in this field by the South. It was singled out by the great foundations which had an interest in the Negro youth of the southland and of all the Nation, to be enlarged and made into a fine instrumentality for the service of the Negro youth. It is the only such institution in the South. It has been singled out and supported for the past 10 years by such foundations as the General Education Board—the Rockefeller Foundation—the Carnegie Foundation, and the Russell Sage Foundation, because it offered the unique opportunity through which this great service could be rendered.

Mr. President, that letter states the attitude of Meharry College. I come now, in the discussion of the legal question, to another phase of the subject. I hope Senators will listen. I would very greatly appreciate the courtesy of Senators in listening to this statement, because I think this is a vital question to the youth of their own States and to the cause of education in the Nation. It is inconceivable to me that the subject is unworthy at least of attention on the part of Members of the Senate.

I discuss now briefly the question of whether or not this compact on regional education in the South was in the opinion of the attorneys who advised Meharry, who advised the boards, and who advised the Southern Governors, one which required the consent of Congress under section 10 of article I of the Constitution.

It so happens that Mr. Cecil Sims, one of the fine attorneys of the South, whose home is at Nashville, whose record and reputation speak for themselves, and who is one of the best lawyers we have, was in the city of Washington yesterday on business before the Board of Tax Appeals. I had only a few minutes to discuss the subject with him. I find that his research has been great, and that his conclusion is so strong as to the necessity of submission to and approval of this compact by Congress, that I asked him to tarry while I dictated this statement of his position from which I shall read. He, with other counsel, had made a careful study of the constitutional questions involved. I interpolate that I believe it was possible for them to make a much more careful study than it is possible for any of us to make in the pressure of a session of Congress—certainly a more careful study than I have been able to make.

It is his strong belief that the consent of Congress to this compact is necessary to its validity, just as stated by the Assistant Attorney General, Mr. Peyton Ford, and that the courts will so hold when the question reaches them.

Following the same line of reasoning as that stated by the distinguished Senator from Wisconsin [Mr. WILEY], Chairman of the Committee on the Judiciary, during this debate, Mr. Sims called my attention to the fact that under this compact there is created for the participating States no mere private proprietary right in other States, but instead a greatly extended field of public governmental activity through the enlargement and extension of a well recognized governmental function, that of public education, over which the States have exclusive control within their own boundaries.

Under this compact—

Mr. Sims says—

each participating State will be obligated to supply money raised by State taxation to a regional board of control, to be spent, in the discretion of that regional board of control, in the operation of a joint governmental institution located in another State beyond the reach of its courts, beyond the reach of its executive action. The administrative agency spending its tax money and administering the institution will be composed of representatives of all the participating States, not solely its own representatives. The joint operation will be for the benefit not solely of its own youth, but equally for the youth of the other States participating. The employment of personnel, the payment of salaries, the maintenance of discipline, the granting of degrees, and the establishment and carrying out of policies essentially governmental in character, will all be through joint machinery created by all the States, drawing its authority from each of them.

This is the conclusion of his statement:

How can it be said that such a procedure does not clearly enlarge and also place on an extraterritorial basis the scope of the governmental activities and functions of each of the affected States in the field of education?

In addition to that point, Mr. Sims called attention to another fact. I myself had mentioned this before I had seen him. I remember that in a colloquy the other day I mentioned the point that there is a case of first impression made here, not only because the field of joint education is entered, but also because for

the first time an organization is created covering such a large part of the Nation, including 15 States, an organization created under a compact by the specific terms of which there might easily operate machinery under which one State participating in a particular venture might not even be contiguous to the other States which were operating in the same venture. In the colloquy the other day I mentioned the possibility, for example, of States such as Florida and West Virginia, both of which have mineral interests, working together under the compact in the establishment of a school of mines. At the present time there is no such school in the Southland.

I mentioned another possibility under the compact. Mr. Sims mentioned it, and stated that it had always caused him much concern. Under the compact not every State of the 15 will necessarily participate in the entire venture. The compact provides, as did the Constitution of the United States when it was first suggested back in 1787, that a smaller number than the total may come in, the requirement being that the compact shall not be effective until at least 6 States, through their legislatures, have given it their approval. It might easily be possible, in fact it is both possible and probable, that coming under this compact would be States—and this would be the case with my own State of Florida, in the event that Georgia and Alabama did not come in—which would be entirely remote from, and not adjoining, any other State within the compact. There is a point so completely new and, in the opinion of Mr. Sims, so completely dangerous that he felt that that point alone, even without the existence of the other point already mentioned, required the submission of this compact to the Congress.

Mr. President, I have spoken of the attitude of counsel in the matter. I myself have not had a chance to make any particular research in this connection; obviously that is impossible. I would be perfectly willing to let the matter rest on the basis I have just stated. But Mr. Sims, when away from his office, and without any authorities available to him, was able to give me references to several different cases which he said were among those which, in his mind and in the mind of other eminent counsel, had raised the question to such a degree that they felt that certainly the strongest case was made for the requirement of the Constitution that compacts of this type, including this particular compact, should be submitted to the Congress for its approval or disapproval. I shall not outline all the arguments he mentioned or all the citations he gave; but one of them is based on a recent article by a professor at the University of Indiana, as set forth in the Indiana Law Journal for 1940–41, at page 209. That article lays down various constitutional questions arising under compacts; and one which is mentioned at the bottom of page 209 of the article is in the field—

(4) Of attempting to achieve extraterritoriality.

Mr. President, Senators will remember, of course, that one of the grounds cited by Mr. Sims was his feeling that under this set-up there was no question in the world that an enlargement of the present activity in education by the various States was certainly accomplished by this set-up, and that as to every State participating in a given institution, it would be an extraterritorial activity, except in the case of the one State within whose boundaries the particular institution would be set up. Mr. Sims called attention to that fact as coming from a student of the law whose opinions are entitled to great respect, and he referred to it as one of the things that had caused him great concern.

He also told me, let me say briefly, about a reported court case in New York. I shall give the citation. Anyone who wishes to ascertain the details of that case should read it. I am frank to state that I have not had an opportunity to read it. It is to be found in Miscellaneous Reports of New York, volume 115, page 351. As I have said, I have not had an opportunity to read it. It is the case of City of New York against Wilcox. In that case the question presented—as I understand from Mr. Sims; and again I state that I have not read the case—was one of the validity of a compact between the States of New Jersey and New York with respect to the setting up of a joint harbor commission or authority by which, by the combined personnel furnished by the two States, certain tax moneys were to be spent. In that decision in which Mr. Sims states there is a careful and full delineation of this whole matter and of the questions contained therein—there is, he said, a recital of the fact that but for the fact that Congress had been given the chance to pass upon that compact and but for the further fact that Congress had consented to it, the compact would have had to fall, and that such ruling was made by the courts of the State of New York.

I should like to refer to another matter which has caused me trouble. Before I do so, I wish to state that Mr. Sims says this is a very active question. He called my attention to the fact that the last issue of the Law Journal of Vanderbilt University contained a scholarly article on it, and the last issue of the Law Journal of the University of Virginia had another article on it, and it has been an interesting subject, in respect to which there is great division of opinion because of the fact that there have been no recent cases and that the multiplicity of situations which arise under our complex modern life so greatly exceeds the matters which have been submitted to the courts and have been passed upon by the courts. I call attention to that point in passing. But here is one of the things which caused me the greatest concern, and I ask Senators who are lawyers to follow this matter with particular closeness, since I think it involves a point which they cannot pass over lightly, because it involves a hazard as to what would happen in this particular matter—a hazard which cannot be ignored, because this point is raised in a brief written by a lawyer who is now a distinguished member of the United States Supreme Court, Mr. Justice Frankfurter, but who at the time he wrote the article was a law professor at Harvard Law School, and he wrote the article in conjunction with the then dean of the Harvard Law School, Mr. Landis.

I shall not attempt to read all of what is said in the article; but I point out that on pages 694 and 695 of the Yale Law Journal, volume 34, will be found the article to which I advert. I shall read one paragraph from the text and one from the notes. I think they would cause any reasonable lawyer who was considering the question of whether a client who came to him for advice should in such a case insist upon obtaining the consent of Congress, to decide in the affirmative, and to decide that he could not possibly approve the set up without having such a submission made and without having an affirmative finding by the Congress in the matter—in other words, a decision by Congress that it would give consent to the compact.

I shall not read all of the historical references at the beginning of the article, but I begin with a paragraph near the bottom of page 694:

> Historically the consent of Congress, as a prerequisite to the validity of agreements by States, appears as the republican transformation of the needed approval by the Crown.

Previously he had shown that the approval by the Crown was called for when the Colonies had agreements or compacts of this kind.

I read further:

> But the Constitution plainly had two very practical objectives in view in conditioning agreement by States upon consent of Congress.

Mr. President, these are not my words; these are the words of a gentleman who is now a very distinguished member of the United States Supreme Court, and these are the two questions which he says were in his mind and are to be kept in mind under this particular provision of the Constitution, when it is measured against the validity of any particular compact:

> For only Congress is the appropriate organ for determining what arrangements between States might fall within the prohibited class of treaty, alliance, or confederation, and what arrangements come within the permissive class of agreement or compact.

I pause to remark—and I think that all Senators who are lawyers know this is the case—that this particular section of article I of the Constitution completely prohibits the entering by one State with another into anything which would be regarded as a treaty, alliance, or confederation, but does permit States to enter into agreements or compacts, subject to the consent of Congress.

I read further:

> But even the permissive agreements—

The first question he has raised is that there is no authority anywhere except in the Congress to decide whether a particular compact lies within the treaty field or the compact field. This statement is made by a present member of the Supreme Court of the United States; and again I call attention to the fact that nothing so sweeping has ever been entered into between States and has

reached the Congress, even as between States adjoining one another, much less as between States 15 in number and comprising a large part of the Nation, as is the case in respect to this compact.

Now his second point:

But even the permissive agreements may affect the interests of States other than those parties to the agreement. The national and not merely a regional interest may be involved. Therefore, Congress must exercise national supervision through its power to grant or withhold consent, or to grant it under appropriate conditions. The framers thus astutely created—

This is Mr. Frankfurter speaking—

The framers thus astutely created a mechanism of legal control over affairs that are projected beyond State lines and yet may not call for, nor be capable of, national treatment. They allowed interstate adjustments but duly safeguarded the national interest.

I close my quotation from the text. But now I read from a note to the same article note No. 37, at the bottom of page 695. I hope the Members of the Senate who are lawyers will listen to this, because they know as well as I the import of the question as to what is self-executing and what is not. It is one of the things that come forward to plague us lawyers as practical legal business comes across our desks and is required by us to be submitted to the courts in order that what may or may not be our opinion may be subjected to careful scrutiny by the courts before a structure is created upon which commitments are to be made and moneys expended. I quote this note, as follows:

There is no self-executing test differentiating "compact" from "treaty."

I interject the thought, made clear by the note, there is only one place where the determination can be made as to what is a treaty and what is a compact, and that is here in the Congress of the United States. Mr. President, that sounds like good law to me. It sounds like good common sense. And what is more to the point, it so appeals to the sound judgment and the legally educated mind of Mr. Justice Frankfurter that he puts it in his own article. I continue to read:

Story and other writers have attempted an analytical classification. See Story, Constitution. (5th ed. 1891, secs. 1402-1405.) The attempt is bound to go shipwreck—

Here we have an expression from one who is at the present a member of the United States Supreme Court to the effect that any attempt to say what is a treaty or what is a compact or to fix general standards to determine which is which, is "bound to go shipwreck."

The attempt is bound to go shipwreck, for we are in a field—

Listen to this, Mr. President—

we are in a field in which political judgment is, to say the least, one of the important factors.

What he is saying there is that the judgment of Senators of the United States and Representatives of the United States as Members of the Congress is recognized in the Constitution as being an important factor in the decision as to whether any submitted compact in the first instance is a compact or a treaty, and, in the second instance, whether it is wise in the protection of the interests of all the people that such compact shall be approved. I quote again:

The considerations that led the Supreme Court to leave Congress the determination of what constitutes a republican form of government as guaranteed by the Constitution—

Citing various cases—

are equally controlling in leaving to Congress to circumscribe the area of agreement open to the States.

Mr. President, there are some good lawyers in this body who have been called upon to pass upon serious matters affecting investments, affecting important financial plans and programs. There is not one of them who has ever been called upon to pass upon a matter more serious than this, because here is a matter that will require the investment of millions of dollars of public funds of the States affected, upon the hope and the belief that a sound substantial foundation has been built, and it is a matter also which deeply touches the health and the future properity and opportunity of the people of a large part of our Nation, and when I say "people" I do not mean only the Negro people; I mean the white people and all the people.

Now, Mr. President, I do not think you would want to have a better guidepost than this, and I do not have the slightest idea that the distinguished junior Senator from Kentucky, sound as he is of conscience and conviction, fine a lawyer as I am sure he is, or the distinguished junior Senator from Oregon, as to whom the same remarks are applicable, would for one single solitary moment consider giving the go-ahead signal to clients coming to him and asking, "Can we safely and with the assurance of approval by the courts if this matter is attacked, go ahead in this vital matter, without the submission to Congress and the procuring of the consent of Congress to this compact?" I think that is the answer, and I do not believe that any Senator here will come to any other conclusion.

Mr. LUCAS. Mr. President, will the Senator yield for one question?

Mr. HOLLAND. I yield.

Mr. LUCAS. The Senator from Florida a moment ago mentioned the financial obligations of the respective States which might enter into the compact. The thought occurred to me as I listened to the able argument made by the Senator, whether or not there would be any question of the authority or the power of the States to appropriate money for the purpose of carrying on the educational activities involved in the compact.

Mr. HOLLAND. I am grateful for the question of the Senator. My answer would be that there certainly is question as to the authority of these States to appropriate money to be spent beyond the boundaries of their State in a public venture in which they join with other States, and that nobody will know until the State courts have passed upon it with finality, whether or not that authority exists.

I remind the Senator that this question can be raised, not just in one forum, not just in one set of courts or system of courts, but in the courts of any of the 15 States affected as well as in the courts of the United States. The distinguished Senator from Illinois, good lawyer as he is, I know would never even dream in his remotest dreams of approving a set-up as uncertain and as indefinite as this for the investment of huge sums of money used by a private plant, much less for the going through all the intricacies of submission to legislatures for the securing of special appropriations, and with the knowledge that each or any of them might be subjected to rigid, drastic legal tests on this ground, namely, that the States have not asked and secured the consent of Congress, to secure which the Constitution says they must get the consent of Congress before they can operate with validity under it.

Mr. LUCAS. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. LUCAS. I believe I recognize the validity of the argument made by the Senator. However, I was wondering, even though the Senate approved the compact, what authority under their respective constitutions the States would have even then to appropriate money, for instance, for the construction of a university, we will say, outside the particular State appropriating the money.

The thought occurred to me that authority certainly would have to be found in the constitution of the State itself before money could be appropriated for the construction of a university outside the State. At least, that is my understanding of our own constitution in Illinois. I was wondering whether or not the Senator had made an examination of the respective constitutions of the various States that are parties to the compact to determine whether or not each State would have the power to appropriate money even though the Senate agreed to a compact of this kind.

Mr. HOLLAND. I appreciate the question of the Senator. I have not made any such search. I have procured a copy from the Legislative Reference Bureau of all the constitutional and general statutory provisions on education of each of the affected States, and they are printed in the report of the hearings.

I have also discussed the problem with the attorneys affected. They have called to my attention the fact that, in the first place, there is no question about the exclusive authority of the States in the field of public education within their own limits. They have also called attention to the fact that there have been repeated instances, which have been unquestioned, in which appropriations have been made by various States for the doing of incidental things which fall far short of a program like this, of making a capital investment for the sending of students to schools which are without their boundaries.

I should like to advert to the point made by the Senator from Oregon [Mr. MORSE] yesterday afternoon. He attempted to bring up as an argument for the defeat of the compact the fact that the State of West Virginia sent sertain

medical students to the University of Virginia Medical School under an agreement for their training to be compensated for as between the two States. I should like to call attention to the fact that there are many such instances. They have not been challenged. But they fall far short of the program under this compact being simply situations in which a fixed sum of money is paid without any joint proprietary situation being created, or without any joint operating responsibility being created, but simply as a matter of one State paying another State for education in the facilities already existing in the second State and sending youths from the first State which has no facilities for education in the particularly desired field. That is a far cry from this situation in which there is to be spent not just a few hundred thousand dollars, but many millions of dollars.

Mr. LUCAS. Mr. President, will the Senator yield for one observation?

Mr. HOLLAND. I yield.

Mr. LUCAS. Frankness compels me to admit that I have not had opportunity to make any exhaustive examination of the legal proposition which I submitted to the Senator a moment ago. I thought, in view of the importance of the question, that perhaps some Senator had made a careful examination of the power of the respective States to appropriate money for the purposes referred to in the compact. I undertook to say that under the program a considerable amount of money would be required from each State. Obviously, as the Senator stated a moment ago, we can do only what is within the limitations and the powers laid down in the respective States with regard to spending money. Whether any State would be permitted to spend money outside its own boundaries for the establishment of a university in another State, without direct authority and power lodged in the constitution of the State, I seriously doubt. I am merely handing down a curbstone opinion. Such opinions are sometimes good and sometimes bad.

Mr. HOLLAND. Of course those questions exist. I will say to the Senator that the Governors and the State officials who are cooperating in the matter think they have the authority, and they realize that they are likely to be subjected to suits; but if they are subjected to suits on that account they will, by obtaining the consent of Congress without nonsegregation conditions, have gotten rid of at least two questions which they regard as much more important, one being the question of whether the consent of Congress is required and, secondly, the question of nonsegregation, because if the consent of Congress be given without limitations against segregation, then under the laws prevailing in the various States there certainly cannot be raised the question as to whether they have the right to go outside of their own limits for the purpose provided for in the compact which is already legal under their own law.

Mr. President, I go next to the practical questions which are involved. The first practical question has to do with the legal questions involved, because every question of law must be construed against the facts of the particular case. I have already read a letter from the trustees of Meharry College, but I want to repeat in the RECORD the fact that it is a great institution in which an enormous amount of money has already been invested by benefactors who have found it a good and satisfactory outlet to them for the creation of better facilities for the education of the youth of the Negro race in medicine, dentistry, and nursing. I am not advised as to the full amount which has been invested. The record shows that $10,000,000 has been invested by the General Education Board and that additional millions have been invested by the other two great foundations and by other donors. The record does not show what was originally invested by the Meharry brothers who, by the way, as I recall, were from the State of the distinguished Senator from Illinois [Mr. LUCAS]; nor does the record show how much was invested by the Methodist Church, which was the original sponsoring agency. But the fact is that the whole investment represents an activity which has been established exclusively for members of the Negro race. The trustees who now have charge are in deed and in fact trustees to see that nothing shall possibly occur which would defeat the objective of the donors in the establishment of this great institution for the serving of members of the Negro race.

So, from the standpoint of the trustees and the standpoint of the boards which are affected, there is, of course, the very grave question as to whether they shall be safe in proceeding. They have answered by saying that they will proceed if the consent of Congress be given. They proceed on no other basis, so far as we know. It is shown by the record that 10 years ago the condition was imposed that they would, out of their various sources of revenue, provide for deficits from year to year in the operation of the institution, provided that before the end of this school year there should be found some way of permanently supporting the institution, principally out of tax funds, either Federal or State. Last year, as shown by the record, the deficit was $352,000, and it has been shown that the operating deficit, paid as it has been out of the endowment principal, has been so large it has materially impaired the endowment fund. So the trustees have that in mind when they lay down the condition that if and when their offer is accepted it be accepted after congressional consent to this compact and under a situation in which there will not be a question existing as to whether the Southern States can send southern white boys to displace the Negro boys from their opportunity for training at Meharry. The record also shows that large numbers of white boys, never out of the South, have come to Meharry and to Howard University and have sought to displace the opportunities of the Negro youth at those two institutions. At Meharry the policy has been adhered to that no white youth can be educated there, because if that practice were ever started, now that competitive conditions are so difficult, the opportunities for Negroes would be largely eliminated.

The Senator from Alabama [Mr. SPARKMAN] yesterday afternoon called attention in his argument to the fact that the record shows, and it does so show, that if the same kind of average standard for admission had been adhered to in Meharry that was adhered to throughout the Nation, only 5 out of 103 members of the freshman class of 1947 would be Negroes and the balance would be white boys. All who were admitted had to pass the minimum standards, of course.

I have called attention to this point simply so that it may be clearly understood that the trustees who have a heavy responsibility resting upon their shoulders and consciences have felt that they cannot safely make this proposal or go through with it except upon the twofold condition which is so clearly stated in the letter which I have read today from the president of the board of trustees, that condition being, first, that the compact be consented to by the Congress; secondly that the question of consent shall be handled in such a way with regard to racial segregation that the Negroes may continue to have these facilities which were established and paid for by their benefactors and that their rights may be carefully and firmly preserved.

Mr. President, with reference to the question from the standpoint of the States, I call attention to the fact that if the trustees of Meharry and if the Foundations were ready to go ahead on a trial basis—and they have not indicated that they are so ready, at least insofar as Meharry is concerned—all that the States would risk would be the question of the carrying forward of any program of which they would pay a portion of the operating cost from year to year. There is not any question of purchase of the magnificent facilities of the school, there is not any question of their making a new capital investment in Tennessee at all. On the other horn of the dilemma, unless there is substance and foundation and reasonable assurance that this compact will stand, the Southern States will find themselves in the position where, while they can go ahead at Meharry on a trial and error basis, assuming that the trustees and Foundations would agree to it—and they have not even indicated that they would—they could go ahead with that as to Meharry, whereas to the contrary, insofar as the white students of their States were concerned, whose education would call for the setting up of new institutions, which would require the making of additional capital investments in the amount of millions of dollars, as to this field they would have no possible assurance or security upon which they could proceed, but would have to wait, and wait interminably, through the 5 or 10 years during which this whole question would be wearily fought out through the lower State courts, through the lower Federal courts, and finally up to the United States Supreme Court, before there would be any sound basis upon which they could proceed in setting up regional institutions for the education of the white youth of the States.

Mr. President, we are all practical men, and I call attention to the fact

that the record shows that there are only two publicly supported dental schools in all this region. I call attention to the fact that the record shows that in five or six of the States there are not any medical schools, either for white or colored. Am I asking Senators to strain their balanced judgment at all in asking them to come to the conclusion that simply nothing will be done under this compact unless there is an assured and firm foundation, granted by the giving of consent of Congress to this compact, so that the Southern States can proceed, if they proceed with reference to Meharry, and proceed at the same time, coincidentally, in the serving of the white youth of the respective States in the establishment and setting up and later the operating of the new institutions which will be set up for them?

Mr. President, without talking more on the legal aspects of the matter, I wish at this time to express my appreciation to certain Members of the Senate. I am grateful to all the Members of the Senate who have been willing to come and listen to the debate. There is nothing in the debate so far as I am concerned, but a patient desire to get something worked out which will be constructive. I am grateful to all Senators, but particularly to certain Members of the Senate whose names I wish to mention, because I know it has been an onerous duty to go through with their particular duties in connection with the consideration and presentation of the pending joint resolution.

My thanks go first to the Senator from Wisconsin [Mr. WILEY] and to the Senator from Rhode Island [Mr. MCGRATH]. I indicated a while ago that I had every reason to believe that when they were asked to constitute themselves a subcommittee of the Committee on the Judiciary to hear this matter they were disinclined toward approval of the compact. Yet meticulously they went into the matter, they combed all the truth out of the fiction and fears and apprehensions, and, with their strong approval, took the measure to the full Committee on the Judiciary, and supported it there.

I call particular attention to the fact—and I deeply appreciate his attitude in the matter—that the chairman of the Committee on the Judiciary, the Senator from Wisconsin, has gone further and has courageously and splendidly and efficiently taken the leadership in fighting for this compact here upon the floor of the Senate, so that all might clearly understand that he, holding the responsible position which he occupies as chairman of the Committee on the Judiciary, has come to the conclusion that here is a wholesome thing which he feels should be done with the approval and consent of the Members of the Congress of the United States, particularly those of the Senate, and regardless of what part of the Nation they happen to come from. I am grateful to him for his position.

Let me say that I am likewise extremely thankful to the distinguished senior Senator from Utah [Mr. THOMAS], known perhaps as the most liberal Member of this body. I had no idea what his position would be on the joint resolution, and I was much impressed when the distinguished Senator from Utah took the position he assumed, and then stood firmly on this floor and stated his views to the membership of the Senate and to the Nation—because everything the Senator from Utah speaks is news to the Nation. When he, speaking to the Nation, said in his quiet tone that here was something which was constructive and eminently worth while, something which he thought called for the approval and the consent of the Members of the Senate, something in which he rejoiced, if I understood his words, because he thought it showed a willingness of the Southern States, who had had a problem placed upon them by the Nation and under decisions made by the Nation, which did not rest upon others—he rejoiced at the demonstrated willingness of the South to assume its good, full, fair part of the burden of colored education, for he was speaking particularly about that.

I thought that expression could not possibly fall upon deaf ears, either in the membership of the Senate or throughout the Nation, because the Senator has so clearly handed down the only sane, reasonable, democratic verdict that can be reached in this important matter, the verdict that this is the only way, working with the only tools which the States of the South, through their constitutions, have perfected, and which the National Government has approved, through the decisions of the United States Supreme Court, the only way in which immediate and substantial progress can be made in this vital, this extremely vital, field of enlarging the opportunities open to the colored youth of the Nation in the field of education, and particularly in the field of medical and dental and nursing training. I am more grateful than the Senator will ever know for his taking that position, and I think what he has said cannot fall upon deaf ears.

Mr. President, let me remark that, just as this debate has been proceeding in the Senate, I have been hearing over the radio at night, I have been reading in the newspapers during the day, that those who are the friends of the colored schools of the Nation are even now engaging in a Nation-wide appeal for more strength, for financial donations which will enable them to do a better job in their field. I do not hear that that plea has fallen on deaf ears. I wonder if the citizens of the States represented by the various Members of the Senate who have found only something to criticize in this measure are taking the same attitude with reference to the appeal now being made in behalf of institutions for Negro education throughout the Nation, and which I am very sure is not falling upon deaf ears anywhere in our country.

I am sure, Mr. President, that the good people of the State of Oregon, joining hands with the good people of the State of North Dakota and of the State of Michigan, and of the 15 States which are in this compact, and of all the other States of the Nation—and they are all good States—are answering that appeal, and are turning in more money so that the cause of education of the Negro youth of the Nation may be aided and expedited. At the same time, while that appeal is going out, Mr. President, and being answered, shall it be said, can it be said, that somewhat the same kind of an appeal here, except that it expresses the willingness which is demonstrated by the 15 Southern States participating, not through donations provided to them from elsewhere, not through donations by the Federal Government, but through their own tax funds, to continue the vital activities which go on down at Meharry—shall it be said with truth that the Members of the Senate of the United States, after the Members of the House of Representatives have voted by a vote of 5 to 1 at the other end of the Capitol in favor, have withheld their approval to the doing of a better job at Meharry with public money coming out of the States which supply the major portion of its students?

Mr. President, I would hate to be responsible for taking a stand which, I believe, would shut off Meharry, would shut off the possibility of increased education for the Negro youth at other potential institutions. I want to make it crystal clear that the 15 Southern States mean business in this matter. They have come here in good faith. They have come here constructively. They have offered to carry a larger part of the burden of the Negro education, and to do a great deal better job for white education than they have ever done before. I do not believe the conscientious citizens who comprise the Members of the Senate on both sides of the aisle are going to turn a deaf ear to this appeal. I do not believe that when people who need education come here crying for bread Members of the Senate are going to hand them instead a stone. I will not believe that until the votes are actually cast and show the contrary.

Mr. President, there are certain other things I should like to mention, because I would not have anyone feel that I wanted to stand solely upon the legal aspects of this matter or upon sectional aspects of it, or race aspects of it. I just want to make it crystal clear that insofar as segregation in education is concerned, I do not think it needs my defense, but I am willing to defend it and judge it by some of the outstanding things which it has done, which have not been done elsewhere, Mr. President, and are not being done elsewhere, and a hostile vote in the Senate here will not start the wheels turning to do them elsewhere.

The first thing I mention in this connection is in the field of medical education. I wish that I had the oratorical capacity displayed yesterday by the Senator from Alabama [Mr. SPARKMAN] who called the attention of the Senate so eloquently to the fact that the South under segregated education in this particular field has done and is doing so much better a job than is being done by the rest of the Nation. Mr. President, I am not here to criticize anyone else. I am not here to say that discrimination exists in these other schools as a matter of deliberation. I do not know why these facts should be so, but I am just going to point out again a few of the facts which inescapably appear from the record and which are going to come back to the consciences of the Members of the Senate who may consider voting against

this measure. What do they show? It is printed in the RECORD. Eighty-six colored youths comprise the complete number of the representatives of that race who are now students in any class of all the institutions of learning in the field of medicine and dentistry throughout the Nation from Maine to California. Elsewhere in the RECORD Senators will find that 21 is the full number in all those institutions in the freshman class which entered this year.

Mr. President, I do not think it is important to analyze the reasons for that. I prefer not to do so. I am willing for the Senators and for the people of the States who have their own problems to decide what they should do and what they can do. But I am pointing out that if it is left to the institutions outside the South, the door of opportunity is surely slammed shut in the faces of the thousands of Negro youth of the land who want to obtain an education in the fields of medicine and dentistry. I tell the Senate that when I heard the letters read by the Senator from Wisconsin—and I also read some which he did not read into the RECORD—it was simply inescapable to me that many members of the Negro race, who are youths, of the proper age for education in these fields, want that education not solely as a matter for their own aggrandizement and betterment, but that they are impelled by the desire to be of greater service to their fellows, and particularly of greater service to the other members of their own race.

Mr. President, by doing whatever we do here today we are not going to open a bit more widely the doors of opportunity in the institutions of learning in this field throughout the Nation outside the South.

Mr. President, in a moment I want to read into the RECORD letters from a dean and an assistant dean of important medical schools outside the South, showing the problems with which they are confronted. One came from the great State of Michigan. Another came from the equally great State of California. Before I read those letters I want to say again that I do not think it is incumbent upon the Southern States to criticize—and certainly the junior Senator from Florida does not criticize—what is being done in these other States, or in the institutions of these other States. He is simply calling attention to the facts as shown from the RECORD, and the facts as shown by his file of communications, from the youths of the Negro race who have found the door of opportunity slammed shut to them in other parts of the Nation, and who say they cannot find any place where they can go unless Meharry can be kept open.

Mr. President, I call attention to the fact—I am not going to read the whole list, for it is already in the RECORD—that Harvard University Medical School, one of the finest in the Nation, has in its whole student body, not just in the freshman class, as shown by the record, one Negro youth. I want to call attention to the fact that that happens to be a privately endowed institution. I call attention to the fact that the University of Pennsylvania, another one of the great institutions for medical training, a public institution, standing in that field for a great people and a great State, as shown by the record, has in all of its classes one Negro youth among its medical students.

Mr. President, we might wish that we were not confronted with that kind of a situation. We might wish there was something we could do about it here. But there is nothing we can do about it here. To the contrary, Mr. President, all we can do here is to try to keep open and to try to pry wider open doors in the South which have been sympathetically open, and in the case of Meharry I want to make it clear that in large measure they are kept open through the beneficence and generosity of citizens who live not in the South, but who live in other parts of the Nation. How can we keep those doors open and how can we open them ever wider in order to admit more and more Negro youths whom we know perfectly well have not had adequate facilities or facilities in anything like sufficient opportunity for their training?

I am going to read these two letters. I see my time is nearly up, but I think it is important that the Senate should hear them. I am afraid that Senators have not read the RECORD. The first letter is from Hardy A. Kemp, M. D., dean of the College of Medicine of Wayne University, Detroit, Mich. It is a letter to the dean of Meharry Medical College, Dr. Michael J. Bent, and is as follows:

DEAR DR. BENT: We had two Negro students in our freshman class when we started in February 1946. One was dropped because of poor scholarship; the other remains and is doing very well.

You might be interested to know that in more than 500 applications which we are considering seriously we do not have more than a dozen Negroes. Not a single one of these is from a Negro girl. With the large Negro population in Detroit and surrounding territory in Michigan, I should think we would have more applications and from those who are better qualified than those we have applying at the moment.

I thought perhaps this incidental comment might be of interest to you.

With best regards.

Sincerely yours,

HARDY A. KEMP, M. D.,
Dean.

Let us see what is happening in connection with applications to Meharry from the State of Michigan. In order to make the case completely fair, I wish to state that the University of Michigan Medical School is the institution which has the largest number of Negroes attending any institution outside the South in this field, with 18 Negroes in its student body. What do the facts show as to the applicants from Michigan? In the year 1947, the year in which there was one student left at Wayne, and in which there were 18 students in the whole student body at the University of Michigan, the record shows, as Senators will find on page 40, that there were 15 applicants of Negroes from Michigan alone to Meharry, and that 4 of them were actually accepted in the freshman class.

Mr. President, are we going to shut that door of opportunity instead of opening it wider? I do not believe that mercifully inclined, decently inclined men, such as I see sitting here in the Senate, are going to take any such position.

The next letter is from Dr. J. N. DeLamater, who signs as assistant dean of the University of Southern California School of Medicine. It is a very fine letter. The letter reads as follows:

THE UNIVERSITY OF
SOUTHERN CALIFORNIA,
SCHOOL OF MEDICINE,
Los Angeles, February 10, 1948.

MICHAEL J. BENT, M. D.,
Dean, School of Medicine,
Meharry Medical College,
Nashville, Tenn.

DEAR DR. BENT: In answer to your enclosed inquiry of February 4, I should like to say that this school of medicine has not had any Negro student enrolled while I have been here, nor do our records show that any Negro students have ever been enrolled. I should like to tell you, however, that our committee on selection and promotion would be delighted to entertain applications from superior Negroes. In the past there have been a number of applicants who have applied but upon the basis of their scholastic record, their aptitude scores, and recommendations, our committee has not found it possible to accept them.

If a recent article in the Saturday Evening Post truly represents the facts, you must have numerous superior applicants whom you cannot satisfy. I would greatly appreciate any effort on your part to divert two or three outstanding applicants toward this school. While I as an individual cannot promise that any who apply will be selected, I can forthrightly say that they will be given the utmost conscientious possible consideration.

I shall look forward to hearing from you in the near future concerning this matter.

Sincerely yours,

J. N. DELAMATER, M. D.,
Assistant Dean.

I do not doubt that he means exactly what he says when he says that any such applications "will be given the utmost conscientious possible consideration." I call attention to the fact that it is abundantly shown from the record that last year 14,000 youth tried to get into the medical schools, and that there were facilities to accommodate only a small fraction of them. Under the heavy competition which prevails—and it is right that it should prevail—in those institutions outside the South, and under the laws and under the rules and procedure in those institutions, they have not been able to help very much in meeting this problem. Mr. President, are we going to close one of the two doors which yet remain open?

I shall not proceed longer with that particular line of argument; but in connection with the matter of segregation, I wish to call attention to the fact that the South, under its peculiar system, has done a marvelous job in general, in giving a better opportunity to members of the Negro race who have wanted to serve in professional posts in education, that is, as teachers, as principals, as college professors, or as presidents. Without taking the time of the Senate to read it, I ask leave to have inserted in the RECORD a statement from the Legislative Reference Service dated February 20 of this year, addressed to me and showing the situation both in the States where segregation applies and in the States where segregation does not apply, as to the opportunities given to colored citizens who have chosen to spend their lives in education.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

THE LIBRARY OF CONGRESS,
Washington, D. C., February 20, 1948.

Hon. SPESSARD L. HOLLAND,
United States Senate,
Washington, D. C.

DEAR SENATOR HOLLAND: In response to your request of February 16 we are enclosing a report prepared for you in the Legislative Reference Service entitled "Total Negro Population, 1940, and Total Instructional Staff of Schools and Colleges for Negroes in Specified States and the District of Columbia, 1943–44." We would like to draw your attention to the footnotes which explain the meaning of several terms which appear in the title, according to the use of these terms in this report.

We find no published data on the number of Negroes on the instructional and administrative staffs of schools and colleges located in States which do not provide for segregation of the races in educational institutions. Dr. Ambrose Caliver, specialist in higher education for Negroes, United States Office of Education, has given us an unofficial estimate or guess that the total number is about 3,000. Dr. Martin D. Jenkins, professor of education, Howard University, Washington, D. C., has stated to us his rough estimate or guess that the number is about 2,500. According to United States Census data the total number of Negroes in these States in 1940—all of the States not included in the enclosed report—was 2,716,513 (Statistical Abstract of the United States, 1947, p. 20).

On the basis of these estimates it would appear that the number of Negroes who become teachers and administrative officials of schools and colleges, in relation to the Negro population is several times higher in the States which provide for segregation in educational institutions than in the States which do not so provide. Dr. Caliver has expressed to us the opinion that such is the case.

Sincerely yours,

ERNEST S. GRIFFITH,
Director, Legislative Reference Service.

Total, Negro population, 1940, and total instructional staff [1] of schools [2] and colleges [3] for Negroes in specified States [4] and the District of Columbia, 1943–44

State or the District of Columbia	Negro population	Instructional staff [1]		
		Schools [2]	Colleges [3]	Total
Alabama	983,290	6,001	432	6,433
Arkansas	482,578	2,654	121	2,775
Delaware	35,876	253	45	298
Florida	514,198	3,341	184	3,525
Georgia	1,084,927	7,642	361	8,003
Kentucky	214,031	1,412	59	1,471
Louisiana	849,303	4,360	245	4,605
Maryland	301,931	1,757	85	1,842
Mississippi	1,074,578	6,499	173	6,672
Missouri	244,386	1,560	128	1,688
North Carolina	981,298	7,410	406	7,816
Oklahoma	168,849	1,475	101	1,576
South Carolina	814,164	6,007	281	6,288
Tennessee	508,736	2,980	295	3,275
Texas	924,391	6,590	394	6,984
Virginia	661,449	4,370	401	4,771
West Virginia	117,754	999	120	1,119
Dist. of Columbia	187,266	1,243	341	1,584
Total	10,149,005	66,553	4,172	70,725

[1] Includes for schools, teachers, supervisors and principals; for colleges, instructional and administrative staff.
[2] Public day schools.
[3] All institutions of higher education.
[4] States having separate educational systems for Negroes.

Sources: Second column—U. S. Department of Commerce, Bureau of the Census, Statistical Abstract of the United States, 1947, p. 20. Third column—U. S. Federal Security Agency, U. S. Office of Education, Biennial Survey of Education in the United States, 1942–44, ch. II, Statistics of State School Systems, 1943–44, p. 71. Fourth column—Unpublished data obtained from the Research and Statistical Service, U. S. Office of Education.

Mr. HOLLAND. I am very sure that if Senators will read this statement they will be surprised at the facts established by the Legislative Reference Bureau in this field. Here they are:

They show that in the States which have segregation by law, there were, according to the census of 1940, 10,149,005 Negro citizens, and 35,197,765 white citizens. Of the more than 10,000,000 Negro citizens in those States, 70,725 of them were professionally in education. An average of 7 out of every 1,000 Negro citizens in the southern area were gainfully employed in the teaching profession and in carrying forward the banner of education in that area.

The statement shows, to the contrary, that in the rest of the Nation, all told, from the best figures which can be made available—and they are furnished by Dr. Ambrose Caliver, specialist in higher education for Negroes in the United States Office of Education, and Dr. Martin D. Jenkins, professor of education at Howard University, Washington, D. C.—an estimated number between 2,500 and 3,000, depending upon whether we accept the estimate of Dr. Caliver or that of Dr. Jenkins, were employed in the same activities of professional education in all the States outside the South.

It is shown by the census of 1940 that in the States outside the South there were a total of 2,716,000 Negro citizens. I will simply give the comparative figures. They show that whereas 7 out of 1,000 Negroes in the South were gainfully employed in education, only a fraction over one per thousand—and the fraction is so tiny that it may be disregarded—or one-seventh as many, were gainfully employed in education in the area outside the South. Any system which gives an opportunity to seven times as many good people to qualify them for teaching posts and to devote their lives to the teaching profession, as are given the same opportunity elsewhere, must have merit in it. There are seven times as many in the South, as compared with the system outside the Southern States.

Mr. President, the difference does not stop there. In the case of the Northern States, it happens that there are no presidents of institutions of higher learning who are Negroes—none whatever. The opportunity for advancement is very slight, whereas there are many, many presidents of institutions of learning in the South who are Negroes. For example, all 17 of the presidents of the land-grant colleges for Negroes in the South are themselves Negroes. In my own State, in addition to the institution which has been mentioned, there are three other colleges for Negroes exclusively, which have colored presidents. So the opportunity for advancement in their chosen profession is greater in the South. But that is not all the picture.

I ask particular attention to this part of the study. In the South, and under the southern system, every Negro teacher has the opportunity to devote himself as a missionary to the advancement of the youth of his own race. It is an opportunity for service which I have found is generally most attractive to Negroes who have entered the teaching profession.

I am sure that the distinguished senior Senator from Georgia [Mr. GEORGE] has noticed, in his years of public service, that it is true in his State that the Negro teacher occupies a place of high standing, respect, and prestige among his own people—and rightly so, because he has devoted his life to an effort to bring greater opportunity for improvement in education, and for all that goes with it, to the youth of his own race.

I have placed this information in the RECORD so that Senators may see it, and so that the Nation may realize that segregation in education is not built largely upon the question of discrimination, but to the contrary is built upon a very deep conviction which prevails, not only among our white citizens, but among most of our colored citizens, that it is the best system and that under it, under our philosophy, under our laws, and under our social customs the maximum of opportunity may be accorded to members of the race which, it so happens, most needs the liberal benefits of education. Mr. President, there is not the slightest doubt about it. This is the fact in the field of medical, dental, and nursing education. It is also the fact in the field of general education, just as I have shown by the record.

I insist that this system and tradition, which is indigenous to the South and is a part of the sacred warp and woof of our traditions, is doing a better job than the other system is doing. I do not reflect on the motives or intentions or wishes of any citizen or of any State anywhere else. I am simply stating that I am willing to stand on the record which has been built by the experience and the deep, lasting, and abiding convictions of the people not only of my race but of that other friendly race, among such large numbers of which we live down there. Mr. President, this is the best way to get the desired results.

Let me dwell for a moment on the question of the practical aspects of this problem. This is a problem in which the Federal Government, through withholding the consent of Congress, can do terrific damage; but it happens to be a case in which laws passed by the Congress which offer some affirmative program—although none yet has been offered in this respect—cannot meet and solve this problem, because it is one which in effect is not limited to the great institutions of higher learning. It affects, likewise, the more humble places of education, such as the one in my own home town, a 12-room brick, high school for Negroes, and a very creditable one. I wish to state that the Negroes have kept it up with the greatest of pride, and they have built most of their civic activities around that institution. This problem is applicable not only there, but also down in the country schoolhouse. Way off yonder by the bayou, or down in the naval stores regions of the South, wherever education carries its torch, that is where this problem has to be solved; and the solution of it must be based on the sympathetic understanding and good will of the members of both races, acting in an effort to give the maximum of opportunity to the members of both races, who, in great part, live there in harmony and tranquillity.

I wish to tell you that during these decades we have gone ahead, in respect to both our white people and our colored people, in a way that is hard to measure in tangible terms. We come here now with a program by which we hope to make further progress. I do not think the Members of the Senate should say, "No, we shall prevent you; we bar the door," and thus prevent such progress by the children of both races who dwell in the part of the Nation extending from Baltimore to the Rio Grande and from St. Louis to Miami, comprising among its citizens approximately 10,000,000 Negroes and 35,000,000 white people, who live together in all kinds of contacts, and yet in the main live together most peacefully, most harmoniously, and most constructively, and with each one of them glad to see added opportunity come to the youth of either race or to the youth of both races.

Mr. President, I believe my time is almost up. I wish to place in the RECORD an additional exhibit which I think will throw added light upon a problem which arose the other day in connection with the colloquy between the distinguished Senator from Oregon [Mr. MORSE] and myself in respect to Howard University. I spoke of it as a segregated institution. I should have spoken of it as a Negro institution. The distinguished Senator from Oregon called attention to the fact that there is a sprinkling of white students there. I offer for the RECORD a report on this subject by the Legislative Reference Service of the Library of Congress, prepared for me long before the debate began. It shows the actual facts as to that particular institution of learning. I am in favor of it; I am glad we are supporting it liberally. It received $4,287,000 out of the Federal coffers last year. I do not think that it begins to meet the problem, but it meets a large part of it—just about as large a part of the problem in the field of medical, dental, and nursing education as we propose to meet, not with Federal funds, but with State funds, at Meharry College by prolonging and enlarging that institution.

As Senators read this article in the RECORD, it will appear that Howard University was founded exclusively for freedmen back in the days immediately following the War Between the States. It will appear affirmatively that it is generally referred to as a Negro institution by its own people and by the appropriate agencies of the United States Government. For instance, here is an excerpt from Life magazine for November, 1946:

> Howard University. It is America's center of Negro learning. Howard was the first Negro college in America and today is the largest.

Here is an excerpt from a publication entitled "Howard University, a History: 1867–1940," issued by the Graduate School of Howard University:

> To establish a school for the elevation of the freedmen.

The article continues in a way that cannot be misunderstood. I shall not take the time of the Senate to read further from it now.

In the United States Government Manual, 1940, page 298, it appears that this university is jointly supported by congressional appropriations and private funds for the higher education of the colored youth of the Nation. That statement was made by Paul V. McNutt, then Federal Security Administrator in 1940.

In the United States Government Manual, Second Edition, 1947, page 360, the statement appears that the lack of higher educational facilities for Negroes in the States in which most of them live has resulted in a serious deficiency in professional services for Negroes essential for their better development and greater security. It is stated that Howard University, jointly supported by congressional appropriations and private funds, is a comprehensive university organization, offering instruction in 10 schools and colleges—and so forth. I shall not attempt to give all the information that is presented by that source.

Last of all, I wish to mention an article entitled "Negro at Last Heads Howard University—Acquisition of Dr. Mordecai W. Johnson as President Places Local University as Capstone of Negro Education in America." The article is by Edward H. Lawson, and appears in the Washington Post for August 1, 1926. The article makes the same sort of reference to Howard University.

Mr. President, as I have said, the memorandum to which I have been referring has been prepared by the Legislative Reference Service of the Library of Congress. The figures I shall now submit were reported to the Legislative Reference Service of the Library of Congress by the president of Howard University on May 4 of this year: That, out of a total of 5,035 students in residence at Howard University, there were 69 white students—or just a trifle more than 1 percent of the entire number.

It is shown in the record in this case and in the hearings that, of all the medical-school and dental-school students at Howard University, only 2 are white. I do not protest the presence of those white students there, if they wish to go there. I do call attention to the fact that at Meharry College white students are not permitted to attend, and they do not attend. Meharry College does not want to mix up its student groups in that way. It feels that it has a mission to perform for the colored youth of the Nation. I hope the fact that the authorities at Howard University are letting in a sprinkling of white students does not mean that they have anything less than the greatest of pride in their own mission and their own institution as an institution originally set up exclusively for the members of their race; and, of course, Mr. President, in connection with the operation of that institution under Federal funds and Federal management, it is constantly referred to as a Negro institution. Mr. President, there is nothing invidious in that reference. Instead, it should be a subject of great pride to them. It is so regarded by the heads of institutions and the staffs and the planning agencies of the great institutions of learning in the South which serve the Negro race exclusively, such as Tuskegee, Fiske, Atlanta University, and Meharry—and I could read here a list of other great schools which have done so much for that race, and, as well, for all mankind.

Mr. President, I now submit this memorandum for printing in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM ON HOWARD UNIVERSITY

1. CREATION AND AUTHORITY

Howard University was established by act of March 2, 1867 (14 Stat. 438). Its functions under the Department of the Interior were transferred to the Federal Security Agency by section 11 (c) of reorganization plan IV, effective June 30, 1940.[1]

The act incorporating Howard University in the District of Columbia, as amended, reads in part as follows:

"*Be it enacted, etc.*, That there be established, and is hereby established, in the District of Columbia, a university for the education of youth in the liberal arts and sciences, under the name, style, and title of 'the Howard University.'[2]

* * * * *

"SEC. 8. Annual appropriations are hereby authorized to aid in the construction, development, improvement, and maintenance of the university, no part of which shall be used for religious instruction. The university shall at all times be open to inspection by the Bureau of Education and shall be inspected by the said Bureau at least once each year. An annual report making a full exhibit of the affairs of the university shall be presented to Congress each year in the report of the Bureau of Education.[3]

* * * * *

"SEC. 10. And be it further enacted, that the said corporation shall not employ its funds or income, or any part thereof in banking operations or for any purpose or object other than those expressed in the first section of this act; and that nothing in this act contained shall be so construed as to prevent Congress from altering, amending, or repealing the same."[4]

2. PURPOSE

A search of the CONGRESSIONAL GLOBE and the Executive Journal of the Senate by the writer of this report has revealed no record of debate on the bill (S. 529, 39th Cong.) which was enacted into law incorporating the Howard University in the District of Columbia. The following statements give an insight into the purpose of the university in inception and in present operation.

"1. Howard was the first Negro college in America and today is the largest. It was founded in 1866 immediately after the Civil War, largely through the efforts of Gen. Oliver Otis Howard, who had served in the Union Army at Bull Run, Fair Oaks, and Antietam.[5]

"2. In November 1866, the Missionary Society of the First Congregational Church of Washington, D. C., decided to establish a school for the elevation of the freedmen who were pouring into the city by the thousands annually. At first, this missionary society decided to open a theological seminary. Then, realizing the urgent need for doctors, it decided to establish a chair of medicine within this theological seminary. Later, it

[1] U. S. Government Manual, second edition, 1947, p. 360.
[2] 14 Stat. 438.
[3] 45 Stat. 1021 (amendment).
[4] 14 Stat. 439.
[5] Howard University. It is America's center of Negro learning. Life, November 18, 1946, p. 109.

was decided to add a normal department, to prepare teachers for the elementary schools that were springing up in the city and in the country.

"The first draft of the charter (January 23, 1867) provided for a college only. The next draft of the charter (February 6, 1867) provided for a university with the following departments: normal, collegiate, theological, law, medical, agriculture, and any other departments desired. On March 2, 1867, this second draft of the charter was approved by the people of the United States in Congress assembled.[6]

"3. This university is jointly supported by congressional appropriations and private funds for the higher education of the colored youth of the Nation. (Statement by Paul V. McNutt, Federal Security Administrator, 1940.)[7]

"4. The lack of higher educational facilities for Negroes in the States in which most of them live has resulted in a serious deficiency in professional services for Negroes essential for their better development and greater security. Howard University, jointly supported by congressional appropriations and private funds, is a comprehensive university organization, offering instruction in 10 schools and colleges as follows: the college of liberal arts, the school of engineering and architecture, the school of music, the college of medicine, the college of dentistry, the college of pharmacy, the school of law, the school of religion, the graduate school, the school of social work, and, in addition, a summer school. (Statement by Mordecai Johnson, President of Howard University, 1947.)[8]

"5. Howard University, located in the Nation's capital, is the largest institution for higher education for Negroes in the United States and is likewise the only comprehensive university system designed primarily for them.[9]

"6. Howard University is today the capstone of Negro education." [10]

3. APPROPRIATIONS

Appropriations by the Congress of the United States to Howard University totaled $2,853,814 for 1947 and $4,287,480 for 1948.[11]

4. WHITE STUDENTS AND MEMBERS OF THE FACULTY

According to an estimate obtained by the writer of this report from Dr. Mordecai Johnson, president of Howard University, on May 4, 1948, there were at the university 69 white students of a total enrollment of 5,035, and 68 white persons on the faculty numbering 450 altogether.

C. A. QUATTLEBAUM,
General Research Section.

MAY 4, 1948.

Mr. HOLLAND. Mr. President, I have only a few minutes' time left. In conclusion, I wish to say that no one is sorrier than I am that by the choice of those who apparently are speaking for the majority, this issue of race has been made the primary issue in the course of this debate; at least, most of the attention has been addressed to it. I want to make it very plain that such is not by the election or choice of the people who are proposing this great constructive movement. To the contrary, we need institutions in such fields as petroleum engineering, in ceramics, in textile engineering, in forestry, mining, and metallurgy, and we need more institutions in medicine and dentistry and all the other learned professions and arts in which we are now deficient or wholly lacking, reasonable facilities for the instruction of our youth. We have a 3½ to 1 white population, and the number of youth ready for college training is much greater than in that proportion. We think this by no means is a race question but that, to the contrary, we are ambitious to be allowed, under the consent of and with the approval of the Congress, to move ahead with a sound and a lasting and a useful program for the service of the youth of both races who live in our part of the Nation, and for the service of many youths of the colored race, Mr. President, who unfortunately find the door of learning slammed shut in their faces in the sections of the Nation outside the South.

The tables placed in the RECORD show that 36 percent of the students at Meharry come not from the South, but from the North, the East, and the West, and they are welcome. The people of Nashville, I am sure, are proud of that institution. People of all the rest of the South are proud of it. I am proud of what I have seen of the ministrations to their own race largely performed by devoted men who happened to be black, but who have been trained at Meharry College, and who have carried the mission of mercy to suffering humanity to thousands upon thousands, nay, millions of lives in the Southland that have needed that balm of Gilead which was not available from any other source.

Mr. President, I feel deeply on this matter. I feel deeply not because I am a white man, not because we have the Negro problem, but because I think it is the only way in which we are going to move forward. I have not heard here from Senators who oppose us the slightest word of constructive planning which would give hope to anybody in this great area of the Nation, inhabited by 45,000,000 people, Mr. President, who are good Americans, and who are entitled to have a chance to educate themselves and to uplift their families and to put themselves into position better to serve their race and their Nation and the cause of mankind.

Mr. President, I feel, just as so humbly and yet so effectively stated by the distinguished senior Senator from Utah yesterday upon this floor, that we ought gratefully to take hold of this machinery which is created here out of the thinking of good men and good women of both races, extending over many years, at least as far back as 1934 and 1935, and write into existence a sound and secure program, under which alone we can go forward to serve the cause of humanity in the South in the way that we want to serve it.

The PRESIDENT pro tempore. The time of the Senator from Florida has expired.

Mr. MORSE. Mr. President, I yield 10 minutes to the Senator from Michigan.

The PRESIDENT pro tempore. The Senator from Michigan is recognized for 10 minutes.

Mr. FERGUSON. Mr. President, several days ago in the Senate I made a few remarks in relation to the compact. I want at this time to discuss the compact from the legal angle, as to what we might expect it to accomplish if it were approved by the Congress and became operative.

It is apparent from the compact itself that it does not apply solely to Meharry Medical College. If this were a question of the Southern States desiring to contribute to the maintenance of Meharry Medical College at Nashville, Tenn., that would be one question, and we would not be debating it here on the Senate floor. But I think it is clear from the compact itself that they desire to do something else. They desire that the United States give up a part of its sovereignty in order that there may be a compact among the States.

Mr. President, there are two sovereignties in America, the United States sovereignty, which covers the entire Nation, and State sovereignty, which applies solely to the State. If the compact needs the approval of Congress, it is because the United States is giving up a part of its sovereignty. The term agreement or compact is used in article I, section 10, of the Constitution as follows:

> No State shall, without the consent of Congress, * * * enter into any agreement or compact with another State.

As used in that section, the term does not apply to every possible compact or agreement between one State and another for the validity of which the consent of Congress must be obtained, but the prohibition is directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States.

Mr. President, there are two sovereignties. It was necessary, because of the Dred Scott decision, to amend the Constitution to make certain persons citizens of the United States. So I say that the urge to have this compact approved by the Congress of the United States is because of a desire that the United States of America give up a part of its sovereignty. Why do I say that? Because of the language in the compact itself:

> Now, therefore, in consideration of the mutual agreements, covenants, and obligations assumed by the respective States who are parties hereto (hereinafter referred to as States), the said several States do hereby form a geographical district or region consisting of the areas lying within the boundaries of the contracting States which, for the purposes of this compact, shall constitute an area for regional education supported by public funds derived from taxation by the constituent States for the establishment, acquisition, operation, and maintenance of

[6] Dyson, Walter. Howard University. A History: 1867–1940. Washington, D. C., the Graduate School, Howard University, 1941, p. 44.

[7] U. S. Government Manual, fall 1940, p. 298.

[8] U. S. Government Manual, second edition, 1947, p. 360.

[9] Howard University. Bulletin. Howard University News. General Information. July 1, 1945, p. 9.

[10] Edward H. Lawson, "Negro at Last Heads Howard University. Acquisition of Dr. Mordecai W. Johnson as President Places Local University as Capstone of Negro Education in America." Washington Post, Aug. 1, 1926, p. 3.

[11] U. S. Bureau of the Budget. The Budget of the U. S. Government for the Fiscal Year Ending June 30, 1949, p. A49 (figure for 1948 excludes contract authorizations amounting to $2,087,675).

regional educational schools and institutions for the benefit of citizens of the respective States residing within the region so established as may be determined from time to time in accordance with the terms and provisions of this compact.

Mr. President, in the case entitled "Missouri ex rel. Gaines against Canada, Registrar of the University of Missouri et al.," the opinion of the Court says:

The basic consideration is not as to what sort of opportunities other States provide, or whether they are as good as those of Missouri, but as to what opportunities Missouri itself furnishes to white students and denies to Negroes solely upon the ground of color. The admissibility of laws separating the races in the enjoyment of privileges afforded by the State rests wholly upon the equality of the privileges which the laws give to the separated groups within the State.

Mr. President, I am firmly of the opinion it will be argued in the courts of this land that if Congress approves the compact a portion of the sovereignty of the United States will be surrendered. It will be contended that Congress created a new area or a new subdivision. Mr. President, it does not require the approval of the Congress if that is not what is intended to be done because in the case of *Cummings* v. *Richmond County Board of Education* (175 U. S. 528, at page 545), we find this language:

The education of people in schools maintained by State taxation is a matter belonging to the respective States, and any interference on the part of Federal authorities with the management of such schools cannot be justified except in the case of a clear and unmistakable disregard of rights prescribed by the supreme law of the land.

What was the Supreme Court saying in that case? It was saying that education is a local matter belonging to the sovereignty of the State, except where there might be a violation of the fourteenth amendment. Therefore, Mr. President, if we approve the compact it will be contended that we have granted to the States a new subdivision, a new area, in which they can exercise their authority. Then they would perpetuate segregation.

Mr. President, as I stated recently, I cannot vote to perpetuate segregation in educational institutions. The argument gets down to that point. Segregation is not practiced in the State of Michigan, from which I come. As I have said, in the medical school of the University of Michigan there is the largest number of colored students of any institution outside of a solely colored institution.

Therefore I oppose this compact, but not only on the ground that it will later be used for the purpose of segregation. It was said by the able Senator from Florida [Mr. HOLLAND] that if regional schools were established undoubtedly segregation would be practiced. In other words, if a white school were built in North Carolina and a colored school were built in Tennessee it would be claimed that there was no question about their being used for segregation purposes. I can read between the lines in the document itself that if they build a State school, all that would be necessary would be for one or more States to contribute to education at the school, and it would be said that all such schools were regional schools and, therefore, segregation should apply.

There is no doubt about the law in this case. This compact should not be approved.

We find this language in 148 United States Reports, in the case of Virginia against Tennessee:

To those to which the United States can have no possible objection or have any interest in interfering with, as well as to those which may tend to increase and build up the political influence of the contracting States, so as to encroach upon or impair the supremacy of the United States or interfere with their rightful management of particular subjects placed under their entire control.

So, Mr. President, as I voted against this measure in the committee, I shall vote now to send it back to the committee. If it ever reaches a vote on the floor, I shall be compelled to vote against it.

The PRESIDENT pro tempore. The Senator from Oregon is recognized for 6 minutes.

Mr. MORSE. Mr. President, in the short time remaining, I should like to make several points. The first point goes to the matter of the law involved in the debate over the compact. From the beginning to the end of the debate the opposition has presented no authority by way of a United States Supreme Court decision which justifies the conclusion that the compact requires congressional approval. To the contrary, Mr. President, the very case cited by Mr. Peyton Ford, who is referred to by the Senator from Florida [Mr. HOLLAND] as being one of the leading authorities supporting his position on the compact, holds the opposite of that which the Assistant Attorney General says it holds. The language of the Court itself, referring to article I, section 10, of the Constitution, in the case of Virginia against Tennessee refutes Mr. Ford's position on the case. Thus on page 519 of the decision the Court says:

Looking at the clause in which the terms "compact" or "agreement" appear, it is evident that the prohibition is directed to the formation of any combination tending to the increase of political power in the States, which may encroach upon or interfere with the just supremacy of the United States.

I am at a complete loss to understand Mr. Ford's misinterpretation of Virginia against Tennessee. In that case the United States Supreme Court said:

There are many matters upon which different States may agree that can in no respect concern the United States.

In that case the Court made clear that the compact section of the Constitution relates to compacts which "may encroach upon or interfere with the just supremacy of the United States."

Throughout this debate I have challenged the proponents of this regional school compact to point out in what way the compact will "encroach upon or interfere with the just supremacy of the United States," as that principle is laid down in Virginia against Tennessee. The proponents of this compact have failed completely to meet me on that issue.

Since the Tennessee case, Mr. President, there has not been a single decision handed down by the United States Supreme Court contrary to the ruling in that case.

The legal issue is, Is there a Federal question involved in the compact? As the Senator from Kentucky [Mr. COOPER] says, if there is not a Federal issue involved, we have no right to take jurisdiction over the compact. If we do take jurisdiction, Mr. President, we have the duty to see to it that we lay down a sound Federal policy in regard to education on a regional basis. The Senators on the opposition side cannot have it both ways. They cannot say that there is Federal jurisdiction only for the approval of the compact, but they want no Federal jurisdiction insofar as laying down conditions under which the compact shall operate is concerned. If we take jurisdiction, Mr. President, then squarely before us is the question as to what Federal policy shall operate in the regional schools. Senators from the South no more than Senators from the North should welcome Federal infringement upon educational policies.

The second point I want to make, Mr. President, relates to the power of the Congress to lay down conditions when approving compacts. I have cited a long list of Federal precedents in United States Supreme Court decisions supporting my contention that Congress has the power to impose conditions, and not a Senator on the opposition side has been able to refute one of them. I submit that they set forth the law on this subject.

The next point I wish to make is that three distinguished members of the Senate Judiciary Committee, the Senator from Kentucky [Mr. COOPER], the Senator from North Dakota [Mr. LANGER], and the Senator from Michigan [Mr. FERGUSON], who are on the full Judiciary Committee but not on the subcommittee, are supporting my motion to recommit. They are asking for an opportunity to consider the legal questions further, because, in their judgment, the full committee has not considered as carefully as it should the legal issues which have been raised in the course of the debate. They do not agree that this compact has been considered as carefully by the full Judiciary Committee as is desirable in light of this debate.

The next point I want to make is on the question of policy. I think it would be most unfortunate for us, through this instrument, which does not require Federal approval, to raise on the floor of the Senate the issue of the educational policy which shall prevail in regional schools. If we do, then we cannot and should not fail to consider the question of civil rights in its totality, Mr. President.

This afternoon in the cloakrooms there have been discussions of strategy, as to what may be the the best way to solve this parliamentary situation. I address these remarks particularly to my Republican colleagues. The suggestion of parliamentary strategy which I have heard is that perhaps the Senate should vote against my motion, and at a later time

in the debate move to take up some other business. Those who propose that strategy suggest that it would kill the compact for this session of Congress as effectively as my motion. To my Republican colleagues I want to say that they have an opportunity in connection with my motion to decide directly and openly whether they want to set this compact aside. I hope the vote will not be made on the basis of any parliamentary strategy. I hope that we shall not avoid the responsibility which is ours of preventing the establishment of a bad precedent in the field of American education. I hope we shall make clear that we are against giving to the Federal Government any authority over education in the States or on a regional basis. A vote for my motion is tantamount to giving such clear notice. I consider that taking action on the compact by defeating my motion would constitute an acceptance of jurisdiction on the part of the Congress of the United States over education policies in regional schools. I ask the Senators from the South where they think that principle will lead? I am not completely clear as to the theory of the Senator from Florida [Mr. HOLLAND]. He is the only Senator I have heard on the other side who has intimated that there is a Federal duty or obligation to approve this compact. The distinguished Senator from Utah [Mr. THOMAS] clearly summarized the position of most of the proponents of the compact when, with his usual forthrightness, in answer to a question put by me he admitted that there is no necessity for Congress to approve the compact.

I want to say to the Senators from Virginia, West Virginia, Vermont, and New Hampshire that those four States already give us two good precedents for not approving this compact. Those States have arrangements between themselves which have never been approved by Congress. In the case of Virginia and West Virginia their agreement is for the use of an educational institution at Richmond. In the case of Vermont and New Hampshire, I am told, it covers the joint use of a penitentiary. Those are precedents against the necessity of approval of this compact by this body. I say that there has never been presented in the debate a single precedent which justifies our taking jurisdiction over a subject matter such as is contained in the compact. In the interest of keeping State rights in education protected I say that this particular proposal should be referred to the committee for further consideration and study.

The PRESIDENT pro tempore. All time under the unanimous-consent agreement has expired.

Mr. WHERRY. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. WHERRY. The hour of 4 o'clock having arrived, would it be out of order to suggest the absence of a quorum?

The PRESIDENT pro tempore. The Chair thinks the suggestion of the absence of a quorum is always in order.

Mr. WHERRY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Ball	Hatch	Millikin
Barkley	Hawkes	Moore
Brewster	Hayden	Morse
Bricker	Hickenlooper	Myers
Bridges	Hill	O'Conor
Brooks	Hoey	O'Daniel
Buck	Holland	O'Mahoney
Butler	Ives	Reed
Byrd	Johnson, Colo.	Robertson, Va.
Cain	Johnston, S. C.	Russell
Capehart	Kem	Saltonstall
Capper	Kilgore	Smith
Connally	Knowland	Sparkman
Cooper	Langer	Stewart
Cordon	Lodge	Taylor
Downey	Lucas	Thomas, Okla.
Dworshak	McClellan	Thomas, Utah
Eastland	McFarland	Tobey
Ecton	McGrath	Tydings
Ellender	McKellar	Vandenberg
Ferguson	McMahon	Watkins
Flanders	Magnuson	Wherry
Fulbright	Malone	Wiley
George	Martin	Williams
Gurney	Maybank	Young

The PRESIDENT pro tempore. Seventy-five Senators having answered to their names, a quorum is present.

The question is on agreeing to the motion of the Senator from Oregon [Mr. MORSE] to refer House Joint Resolution 334 to the Committee on the Judiciary.

Mr. LANGER. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk called the roll.

Mr. WHERRY. I announce that the Senator from Vermont [Mr. AIKEN] who is absent by leave of the Senate on official business is paired with the Senator from Florida [Mr. PEPPER]. If present and voting, the Senator from Vermont would vote "yea," and the Senator from Florida would vote "nay."

The Senator from Connecticut [Mr. BALDWIN] is absent by leave of the Senate on public business. If present and voting, the Senator from Connecticut would vote "yea."

The Senator from South Dakota [Mr. BUSHFIELD], the Senator from Wisconsin [Mr. MCCARTHY], and the Senator from West Virginia [Mr. REVERCOMB] are necessarily absent

The Senator from Missouri [Mr. DONNELL] is absent by leave of the Senate.

The Senator from Indiana [Mr. JENNER], who is absent on official business, is paired with the Senator from Louisiana [Mr. OVERTON]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Louisiana would vote "nay."

The Senator from Wyoming [Mr. ROBERTSON] and the Senator from Iowa [Mr. WILSON] are absent on official business.

The Senator from Ohio [Mr. TAFT] is necessarily absent. If present and voting, the Senator from Ohio would vote "yea."

The Senator from Minnesota [Mr. THYE] is absent by leave of the Senate. If present and voting, the Senator from Minnesota would vote "yea."

The Senator from Maine [Mr. WHITE] is absent because of illness.

Mr. LUCAS. I announce that the Senator from New Mexico [Mr. CHAVEZ] and the Senator from Montana [Mr. MURRAY] are absent by leave of the Senate.

The Senator from Rhode Island [Mr. GREEN] and the Senator from Florida [Mr. PEPPER] are absent on public business.

The Senator from Louisiana [Mr. OVERTON] is absent because of illness.

The Senator from Mississippi [Mr. STENNIS] is absent because of a death in his family.

The Senator from Nevada [Mr. MCCARRAN], the Senator from North Carolina [Mr. UMSTEAD], and the Senator from New York [Mr. WAGNER] are necessarily absent.

On this vote the Senator from Rhode Island [Mr. GREEN] is paired with the Senator from North Carolina [Mr. UMSTEAD]. If present and voting, the Senator from Rhode Island would vote "yea," and the Senator from North Carolina would vote "nay."

The Senator from New York [Mr. WAGNER] is paired on this vote with the Senator from Mississippi [Mr. STENNIS]. If present and voting, the Senator from New York would vote "yea," and the Senator from Mississippi would vote "nay."

The Senator from Louisiana [Mr. OVERTON] is paired on this vote with the Senator from Indiana [Mr. JENNER]. If present and voting, the Senator from Louisiana would vote "nay," and the Senator from Indiana would vote "yea."

I announce further that on this vote the Senator from Florida [Mr. PEPPER] is paired with the Senator from Vermont [Mr. AIKEN]. If present and voting, the Senator from Florida would vote "nay," and the Senator from Vermont would vote "yea."

The result was announced—yeas 38, nays 37, as follows:

YEAS—38

Ball	Ferguson	Millikin
Barkley	Flanders	Morse
Brewster	Gurney	Myers
Bricker	Hickenlooper	Reed
Bridges	Ives	Robertson, Va.
Brooks	Johnson, Colo.	Saltonstall
Buck	Langer	Smith
Butler	Lodge	Taylor
Capper	Lucas	Tobey
Cooper	McMahon	Vandenberg
Cordon	Magnuson	Wherry
Downey	Malone	Williams
Dworshak	Martin	

NAYS—37

Byrd	Hoey	O'Daniel
Cain	Holland	O'Mahoney
Capehart	Johnston, S. C.	Russell
Connally	Kem	Sparkman
Eastland	Kilgore	Stewart
Ecton	Knowland	Thomas, Okla.
Ellender	McClellan	Thomas, Utah
Fulbright	McFarland	Tydings
George	McGrath	Watkins
Hatch	McKellar	Wiley
Hawkes	Maybank	Young
Hayden	Moore	
Hill	O'Conor	

NOT VOTING—21

Aiken	McCarran	Stennis
Baldwin	McCarthy	Taft
Bushfield	Murray	Thye
Chavez	Overton	Umstead
Donnell	Pepper	Wagner
Green	Revercomb	White
Jenner	Robertson, Wyo.	Wilson

So Mr. MORSE's motion was agreed to, and House Joint Resolution 334 was referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its

reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5933) to permit the temporary free importation of racing shells.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

MAIL EQUIPMENT SHOPS AT WASHINGTON, D. C.

A letter from the Postmaster General, transmitting a draft of proposed legislation to authorize the construction of an addition to the building of the mail equipment shops at Washington, D. C., and for other purposes (with accompanying papers); to the Committee on Public Works.

LAWS PASSED BY LEGISLATURE OF PUERTO RICO

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a volume containing the acts of the Fourth and Fifth Special Sessions of the Sixteenth Legislature of Puerto Rico, June 23 to July 5, and November 24 to 29, 1947 (with an accompanying document); to the Committee on Interior and Insular Affairs.

REPORTS RELATING TO ELECTRIC UTILITIES

A letter from the Chairman of the Federal Power Commission, transmitting, for the information of the Senate, copies of that Commission's newly issued reports entitled "Statistics of Publicly Owned Electric Utilities," "Electric Energy Production, Generating Capacity and Fuel Consumption of Electric Utilities", and "Power Market Survey for the Missouri River Basin, Area D—Nebraska, Part 1, Power Requirements" (with accompanying reports); to the Committee on Interstate and Foreign Commerce.

PETITIONS

Petitions, etc., were laid before the Senate by the President pro tempore, and referred as indicated:

A concurrent resolution of the legislature of the State of New Jersey; to the Committee on Finance:

"Assembly Concurrent Resolution 11

"Concurrent resolution memorializing the United States Senate to pass the bill now pending before it to repeal the prohibitive tax on colored margarine

"Whereas there is pending in the United States Senate a bill to repeal the prohibitive Federal tax on colored margarine; and

"Whereas the House of Representatives has passed this important bill; and

"Whereas the State of New Jersey and many other States have repealed State taxes and restrictions on manufacture and sale of colored margarine; and

"Whereas prompt enactment of the bill now pending in the United States Senate will mean immediate and substantial savings to every family in the United States and will make available a wholesome and healthful food to the people of the United States at a reasonable price: Therefore be it

"Resolved by the House of Assembly of the State of New Jersey (the senate concurring):

"1. That the United States Senate be memorialized to pass the bill to repeal the prohibitive tax on colored margarine.

"2. That a copy of this resolution be immediately forwarded to the Secretary of the United States Senate and to the Senators representing the people of the State of New Jersey."

A resolution adopted by the United States-Mexico Border Public Health Association, Laredo, Tex., recommending that countries that have not completed application and ratification of the World Health Organization do so in the interest of world unity; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LANGER, from the Committee on Post Office and Civil Service:

H. R. 1608. A bill to amend an act entitled "An act to authorize the Postmaster General to contract for certain powerboat service in Alaska, and for other purposes," approved August 10, 1939 (53 Stat. 1338); without amendment (Rept. No. 1286).

By Mr. CAPEHART, from the Committee on Interstate and Foreign Commerce:

H. R. 3578. A bill to reduce in area the Parker River National Wildlife Refuge in Essex County, Mass., and for other purposes; without amendment (Rept. No. 1288).

By Mr. REED, from the Committee on Interstate and Foreign Commerce:

S. 2547. A bill to amend section 3 of the Standard Time Act of March 19, 1918, as amended, relating to the placing of a certain portion of the State of Idaho in the third time zone; with an amendment (Rept. No. 1287).

By Mr. BUTLER, from the Committee on Interior and Insular Affairs:

S. 1504. A bill to amend the act entitled "An act for the confirmation of the title to the Saline Lands in Jackson County, State of Illinois, to D. H. Brush, and others," approved March 2, 1861; with amendments (Rept. No. 1289);

H. R. 183. A bill to transfer lot 1 in block 115, city of Fairbanks, Alaska, to the city of Fairbanks, Alaska; without amendment (Rept. No. 1290);

H. R. 3633. A bill to amend section 203 of the Hawaiian Homes Commission Act, designating certain public lands as available home lands; without amendment (Rept. No. 1291);

H. R. 3954. A bill to approve Act No. 74 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to revenue bonds of the Territory of Hawaii," and Act No. 95 of the Session Laws of 1947 of the Territory of Hawaii, entitled "An act relating to Territorial and county public improvements and the financing thereof by the issuance of revenue bonds; without amendment (Rept. No. 1292);

H. R. 4091. A bill to ratify act 237 of the Session Laws of Hawaii 1947; without amendment (Rept. No. 1293); and

H. R. 4823. A bill to provide adequate school facilities within Yellowstone National Park, and for other purposes; without amendment (Rept. No. 1294).

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MARTIN:

S. 2666. A bill to extend the benefits of the United States Employees' Compensation Act of September 7, 1916, to active-duty members of the Civil Air Patrol, and for other purposes; to the Committee on Labor and Public Welfare.

S. 2667. A bill to amend and supplement section 2 of the act approved August 30, 1935, relating to the construction and financing of toll bridges over the Delaware River by the Delaware River Joint Toll Bridge Commission of the Commonwealth of Pennsylvania and the State of New Jersey; to the Committee on Public Works.

By Mr. LANGER:

S. 2668. A bill to authorize the admission into the United States of persons of races indigenous to Indochina, to make them racially eligible for naturalization, and for other purposes; to the Committee on the Judiciary.

S. 2669. A bill to amend section 631 (b) of title 5, United States Code, by adding a new subsection, to be cited as subsection (c); to the Committee on Post Office and Civil Service.

By Mr. SALTONSTALL:

S. 2670. A bill to amend section 10 of the act of August 2, 1946, relating to the receipt of pay, allowances, travel, or other expenses while drawing a pension, disability allowance, disability compensation, or retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. MAGNUSON:

S. 2671. A bill for the purpose of erecting a Federal building at Blaine, Wash.; to the Committee on Public Works.

By Mr. CAPEHART:

S. 2672. A bill for the relief of Mrs. Hattie Truax; to the Committee on the Judiciary.

By Mr. FLANDERS:

S. 2673. A bill to incorporate the American Standards Association; to the Committee on the Judiciary.

By Mr. YOUNG (for himself and Mr. BALL):

S. 2674. A bill authorizing the construction of flood-control work on the Red River of the North, Minnesota and North Dakota; to the Committee on Public Works.

By Mr. IVES:

S. J. Res. 215. Joint resolution to exempt from levy of admissions tax the International Air Exposition and the Golden Anniversary Educational Exposition, being produced by the city of New York through the Mayor's Committee for the Commemoration of the Golden Anniversary of the City of New York; to the Committee on Finance.

DEPARTMENT OF AGRICULTURE APPROPRIATIONS, 1949—AMENDMENT

Mr. RUSSELL submitted an amendment intended to be proposed by him to the bill (H. R. 5883) making appropriations for the Department of Agriculture (exclusive of the Farm Credit Administration) for the fiscal year ending June 30, 1949, and for other purposes, which was ordered to lie on the table and to be printed as follows:

On page 49, lines 4 and 5, to strike out "$225,000,000" and insert in lieu thereof "$300,000,000."

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 197) to continue the Joint Committee on Housing beyond March 15, 1948, and for other purposes, was referred to the Committee on Banking and Currency.

PART II OF ADDRESS BY HENRY WALLACE AT PENNSYLVANIA PEOPLES' CONVENTION

[Mr. TAYLOR asked and obtained leave to have printed in the RECORD part II of an address delivered by Hon. Henry A. Wallace at the Pennsylvania Peoples' Convention on March 7, 1948, at York, Pa., which appears in the Appendix.]

COMMENTS ON EXCHANGE OF DIPLOMATIC NOTES WITH RUSSIA

[Mr. HATCH asked and obtained leave to have printed in the RECORD a letter entitled "Negotiating With Russia," written by Louis Fischer and published in the New York Times of Thursday, May 13, 1948; an editorial entitled "Deeds, Not Words," published in the New York Times of May 13, 1948; an article entitled "Note to Molotov Put United States on Record With Denial of ERP Ag-

gression Moves," written by Constantine Brown and published in the Washington Evening Star of May 12, 1948; and an editorial entitled "Up to Russia," published in the Washington Evening Star of May 12, 1948, which appear in the Appendix.]

GEN. DOUGLAS MACARTHUR—ADDRESS BY WARREN E. WRIGHT

[Mr. WHERRY asked and obtained leave to have printed in the RECORD a radio address on Gen. Douglas MacArthur, delivered by Warren E. Wright at San Antonio, Tex., on April 15, 1948, which appears in the Appendix.]

LEAVES OF ABSENCE

Mr. AIKEN asked and obtained consent to be absent from the Senate until Monday next.

Mr. WILEY asked and obtained consent to be absent from the Senate tomorrow.

CIVIL FUNCTIONS OF DEPARTMENT OF ARMY APPROPRIATION BILL, 1949

Mr. WHERRY. Mr. President, I move that the Senate proceed to consider House bill 5524, making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes.

The motion was agreed to, and the Senate proceeded to consider the bill (H. R. 5524) making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1949, and for other purposes, which had been reported from the Committee on Appropriations, with amendments.

Mr. WHERRY. Mr. President, the distinguished Senator from Maine [Mr. BREWSTER] is about to present a conference report, but before that is done I wish to announce to the Members of the Senate that after certain matters have been attended to we will take up the nominations on the Executive Calendar. To one of the nominations there will be objection and some debate will be had on it. So I ask Senators to remember to be in their seats when the Executive Calendar is reached.

Mr. WILEY. Mr. President, as I have previously stated, I expect to be absent from the Senate tomorrow. In that connection, in view of the fact that recommittal seems to be the order of the day, I wish to say that I understand that tomorrow a motion will be made to recommit the civil-functions appropriations bill. None of us can be consistent all the time. Whereas I was against recommittal today, I shall be for recommittal tomorrow, and I want the RECORD to show accordingly. I trust that if the civil-functions appropriation bill goes over until Monday, I shall be priviliged to be present to state why I feel that I am justified in voting for recommittal on Monday, just as I stated today that I felt justified in keeping before the Senate the joint resolution which we were discussing.

TEMPORARY FREE IMPORTATION OF RACING SHELLS—CONFERENCE REPORT

Mr. BREWSTER. Mr. President, I present the conference report on House bill 5933 to permit the temporary free importation of racing shells, and ask for its immediate consideration.

The PRESIDENT pro tempore. The report will be read.

The conference report was read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5933) to permit the temporary free importation of racing shells, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

"SEC. 2. (a) Paragraph 1798 of the Tariff Act of 1930, as amended, is hereby amended by inserting, after the sixth proviso, the following: '*Provided further*, That in addition to the exemption authorized by the fourth preceding proviso, a returning resident who has remained beyond the territorial limits of the United States for a period of not less than twelve days, shall be permitted to bring into the United States up to but not exceeding $300 in value of articles (excluding distilled spirits, wines, malt liquors and cigars) acquired abroad by such resident of the United States as an incident of the foreign journey for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, free of duty: *Provided further*, that any subsequent sale, within three years after the date of the arrival of such returning resident in the United States, of articles acquired and brought into the United States pursuant to the provisions of the immediately preceding proviso shall subject the returning resident declaring the articles to double the import duty which would have been collected had this additional exemption not been in effect: *Provided further*, That the additional exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by such returning resident who has not taken advantage of the said exemption within the six-month period immediately preceding his return to the United States.'

"(b) The amendment made by subsection (a) shall be effective with respect to articles declared on or after the day following the date of enactment of this act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

EUGENE D. MILLIKIN,
O. BREWSTER,
ALBEN W. BARKLEY,
Managers on the Part of the Senate.

DANIEL A. REED,
ROY O. WOODRUFF,
BERTRAND W. GEARHART,
R. L. DOUGHTON,
JERE COOPER,
Managers on the Part of the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

Mr. BREWSTER. Mr. President, I may say that the only material change in the amendment adopted by the Senate was in the reduction from $500 to $300 in the amount of entry admitted, as was stated in the discussion before the Senate. So I move the adoption of the conference report.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Maine.

The report was agreed to.

CLINTON P. ANDERSON—ARTICLE BY DREW PEARSON

Mr. HATCH. Mr. President, the newspaper column entitled "Merry-Go-Round," written by Mr. Drew Pearson and published daily in many newspapers throughout the country, is not often inserted in the CONGRESSIONAL RECORD, except on occasions when some Member of Congress places it in the RECORD for the purpose of sharply and sometimes bitterly disagreeing with the contents of some particular article. Whether true or not, it is generally believed that Mr. Pearson's writings in the Merry-Go-Round are, as a rule, more critical of Members of Congress and other officials than they are complimentary.

However, today I read the Merry-Go-Round as it appears in this morning's Washington Post. Somewhat to my surprise, but greatly to my gratification, I find that today Mr. Pearson indulges in no critical or caustic remarks. On the contrary, the article is highly commendatory of former Secretary of Agriculture Clinton P. Anderson. It is entitled "Italy Victory Credited to Anderson." Mr. Pearson says, and I think quite truthfully, that if Secretary Anderson had not made a vital decision on farm policy at the end of the war, "starvation and communism both would be rampant in Italy today."

The article continues:

Few people know about that decision. It came at the end of the war when American farm leaders had visions of farm surpluses and falling prices. Wanting to avoid a farm slump, the killing of little pigs, and the plowing under of cotton, farm leaders urged less production.

But Secretary Anderson said "No."

This was a tough decision to make. For if Anderson was wrong, it meant that he would be cussed out by farmers for years to come. Carefully he read the reports of David Houston, Secretary of Agriculture under Woodrow Wilson, for guidance. Houston gave him none.

Nevertheless, Anderson finally demanded that farmers increase, not decrease production—which is the big reason why we have had enough grain to feed Europe.

Mr. President, I am glad that Mr. Pearson knew about this decision which was reached by Secretary Anderson and which has had such a beneficent result in preserving the freedom and integrity of the Italian people. Other incidents are set forth which clearly reflect the ability with which Mr. Anderson served as Secretary of Agriculture. I shall not discuss them now, except to add that Secretary Anderson did make a most enviable record as Secretary of Agriculture and also as a Member of Congress when he served in the House as a Representative from my State.

I am glad to ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MERRY-GO-ROUND—ITALY VICTORY CREDITED TO ANDERSON

(By Drew Pearson)

(EDITOR'S NOTE.—Clinton Anderson, retiring Secretary of Agriculture, today receives the brass ring from Drew Pearson, good for one free ride on the Washington Merry-Go-Round.)

Several editors have said some nice things about this columnist in connection with the Italian elections. However, the real man who won the elections stepped out of the Truman Cabinet this week and went back to New Mexico to run for the United States Senate.

For if Secretary of Agriculture Clinton Anderson had not made a certain, vital decision regarding farm policy at the end of the war, starvation and communism both would be rampant in Italy today.

Few people know about that decision. It came at the end of the war when American farm leaders had visions of farm surpluses and falling prices. Wanting to avoid a farm slump, the killing of little pigs, and the plowing under of cotton, farm leaders urged less production.

But Secretary Anderson said "No."

This was a tough decision to make. For if Anderson was wrong, it meant that he would be cussed out by farmers for years to come. Carefully he read the reports of David Houston, Secretary of Agriculture under Woodrow Wilson, for guidance. Houston gave him none.

Nevertheless, Anderson finally demanded that farmers increase, not decrease production—which is the big reason why we have had enough grain to feed Europe.

NO PICTURE FARMER

Clint Anderson has been one of the most refreshing and variegated personalities in the turbulent Truman administration.

He has a cattle ranch back in Albuquerque, has made a lot of money at insurance, voted against all insurance measures in the House of Representatives.

Though wealthy he has made some of the most effective speeches in Congress championing labor and blasting lush business profits. FDR was one of his idols.

Coming to New Mexico from South Dakota because of lung trouble, Anderson first worked for the Albuquerque Journal, where he uncovered the first tip on the Fall-Teapot Dome scandal. This was the fact that the then Secretary of the Interior had received a $25,000 stallion from Harry Sinclair. That started the train of circumstances which finally upset the Teapot Done lease, brought two resignations from the Coolidge Cabinet and sent both Fall and Sinclair to jail.

Later, Anderson went into insurance, became the biggest individual insurance man in his State, then was elected to the House of Representatives. Now Anderson is going home to run for the upper branch of Congress—the United States Senate.

Though Anderson says he was a better Congressman than Cabinet member, actually he did an outstanding job as Secretary of Agriculture.

SOLVING SOAP SHORTAGE

Not only in regard to grain, but sugar, copra, and cotton was he most farsighted. During the first months after the war, the world, desperately hard up for soap, received no coconuts from the Philippines. Plenty still grew there, but weren't being harvested. So Anderson induced the Army and Navy to send small boats up Philippine rivers and trucks to inland plantations—until enough copra was carried out to solve the world's fat and soap shortage.

The end of the war also found the United States Commodity Credit Corporation with 7,500,000 bales of surplus cotton. Not only was the taxpayer likely to be stuck for this cotton, but the surplus had a depressing effect on the market.

So Anderson conceived the idea of selling it to Japan and Germany for the manufacture of textiles. Both countries needed a nonwar industry, and textiles were the best answer. Anderson sold Japan and Germany the cotton; the American farmer benefited; Europe and Asia got badly needed clothing.

SUGAR SALESMANSHIP

One of Anderson's greatest triumphs was his purchose of two Cuban sugar crops at the same time. Sugar then was scarce, and in order to keep prices down he wanted to buy both the 1946 and 1947 Cuban crops. But the Cubans said "No," and Agriculture Department emissaries got nowhere with them.

Finally, Anderson, himself, went to Cuba, called on President Grau San Martin.

"This is a situation where Cuba can win the good will of the United States for a long time," he told the Cuban President. "Cuba faces the alternative of having sugar prices shoot way up, then come down with a crash—or of keeping them steady. A boom and bust such as after the last war isn't going to do you any good. But if you cooperate with us now, we'll remember it."

President Grau said he agreed, but that Cuban workers were afraid the price of United States wheat, lard, etc., would go up, so they would find themselves paying more while sugar sold for the same low price. So Anderson proposed an escalator clause by which the price of sugar would increase if the cost of American lard and wheat increased.

The President of Cuba agreed. In 72 hours Anderson had closed a deal which other emissaries had not been able to sign in 6 weeks.

EXECUTIVE SESSION

The PRESIDENT pro tempore. Is there any further business before the Senate? If not, without objection, the Senate will proceed to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, and withdrawing a nomination, which nominating messages were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

EXECUTIVE REPORTS OF A COMMITTEE

The following favorable reports of nominations were submitted:

By Mr. GURNEY, from the Committee on Armed Services:

Brig. Gen. Francis K. Newcomer, United States Army, for appointment as Governor of the Panama Canal, provided for by the Panama Canal Act, approved August 24, 1912, vice Maj. Gen. Joseph C. Mehaffey, United States Army;

Maj. Gen. Louis Aleck Craig O3575 to be the Inspector General, United States Army, for a period of 4 years, effective on date of appointment, under the provisions of section 7, National Defense Act, as amended, and section 513, Officer Personnel Act of 1947, vice Maj. Gen. Ira Thomas Wyche;

Brig. Gen. John Stewart Bragdon O3770, Army of the United States (colonel, U. S. Army), for appointment as assistant to the Chief of Engineers, United States Army, for a period of 4 years, effective on date of appointment, and for appointment to the grade of brigadier general in the Regular Army of the United States, under the provisions of section 11, National Defense Act, as amended, and title V, Officer Personnel Act of 1947;

Ernest A. Brav, and sundry other persons, for appointment in the Regular Army of the United States;

Albert N. Abelson, and sundry other persons, for appointment in the Regular Army and Regular Air Force of the United States;

First Lt. John Edward Lineberger, and sundry other officers, for promotion in the United States Air Force;

Capt. William M. Angas, Civil Engineer Corps, United States Navy, for temporary and permanent appointment to the grade of rear admiral in the Civil Engineer Corps of the Navy;

Capt. Andrew G. Bisset, Civil Engineer Corps, United States Navy, for temporary appointment to the grade of rear admiral in the Civil Engineer Corps of the Navy;

Wendell C. Thompson and sundry other officers for permanent appointment in the Supply Corps and Civil Engineer Corps of the Navy;

Paul F. Abel and sundry other midshipmen to be ensigns in the Navy;

Louis E. Woods and several other officers for appointment to permanent grade in the Marine Corps;

William T. Clement for appointment to the temporary grade of major general in the Marine Corps;

Harry B. Liversedge for appointment to the temporary grade of brigadier general in the Marine Corps; and

Philip J. Costello and sundry other warrant officers now serving in temporary commissioned ranks, to be permanent commissioned warrant officers in the Marine Corps.

The PRESIDENT pro tempore. If there be no further reports of committees, the clerk will state the nominations on the Executive Calendar.

WAR ASSETS ADMINISTRATION

The legislative clerk read the nomination of Jess Larson to be War Assets Administrator.

Mr. TYDINGS. Mr. President, I should like to address myself to this nomination. I will say at the start that I feel that perhaps the nomination will be confirmed, but I should like to point out certain facts which the Senate ought to take into consideration in passing upon a nomination of this importance. If Senators will give me their attention for a few minutes, I shall explain the reasons which impel me to oppose the nomination of Mr. Larson. I shall move that Mr. Larson's nomination be recommitted to the Committee for the purpose of further investigation.

Mr. WHERRY. Mr. President, will the Senator yield for an announcement?

Mr. TYDINGS. I yield.

Mr. WHERRY. I should like to inform Members of the Senate that after the executive session has been concluded we expect to proceed with the civil functions bill for a while this evening. No doubt it will be debated tomorrow, and it may even go over until Monday. But a start will be made on it this evening.

Mr. TYDINGS. Mr. President, there was a plant located near Salt Lake City, Utah, called the Kalunite Plant. In course of time it became the duty of the War Assets Administrator to dispose of that plant. Proposals were drawn, and invitations to bidders were prepared and sent to those who would likely want to purchase this plant. I have in my hand a copy of the invitation to bid. I

shall try to make my explanation brief, so I shall not read the entire page, but the pertinent part of it, to which I shall address myself, reads as follows:

In the event that no acceptable bid is received, at the discretion of this Administration either a new cut-off date will be set or negotiations will continue with only the highest bidder.

A new cut-off date in effect means that new bids will be asked for. So the bidders who receive this invitation to bid on the Kalunite plant, located near Salt Lake City, Utah, were put on notice by the War Assets Administration that in the event no acceptable bid was received, at the discretion of the Administration either a new cut-off date would be set and new bids would be asked for, or negotiations would continue with only the highest bidder. I ask Senators to bear that in mind, because it is pertinent to this discussion.

When the bids were opened, it was found that there were three bidders. The highest bidder was the American Potash & Chemical Corp. It bid $752,000. The second bidder was the Columbia Metals Corp., which bid $635,000; and the lowest bidder was J. R. Simplot Co., which bid $625,000.

Briefly, the Simplot people got the property. This is the explanation made by the War Assets Administrator as to why the lowest bidder got the property:

First of all, under the law it is required, I understand, that the Administrator favor small business, as opposed to big business. The American Potash & Chemical Corp. was rated as worth about $20,000,000. I do not have the rating of the other two companies, but I understand that the Simplot Co. today is worth approximately $2,000,000. That is my understanding from Mr. Simplot's testimony. He had about $25,000,000 worth of war contracts during the war, according to his own testimony; and, as I recall, his fortune increased from approximately half a million dollars to approximately a million and a half or two million dollars, during the war, after the payment of taxes.

The Columbia Metals Corp. was even smaller than the Simplot Co., whose bid I now indicate on the chart. When Mr. Larson came before the committee and testified—I did not know this at the time, and unfortunately the hearings were closed before I had a chance to obtain the document I now hold in my hand—he led us to believe, I think, from a reading of the testimony which I have on my desk, that the Department of Commerce, which passed upon these three bids to find out who was small business and who was big business, favored the Simplot Co. and because of that the bid was given to the Simplot Co. But in the meantime the Simplot Co., knowing that it was the low bidder, negotiated with Mr. Larson, and bid up to $752,000 for the plant; that is, it offered an additional amount sufficient to make up the difference between its original bid and the highest bidder's figure, so that the Government got, or will get, $752,000 from the Simplot Co., which at the time the bids were opened bid only $625,000.

In the invitation to bid it was said that negotiations would continue with only the highest bidder. But the negotiations actually continued with only the lowest bidder. No opportunity was given to the Columbia Metals Corp., which is even smaller than the Simplot Co., to approximate the $752,000 bid. In other words, in the statement of the conditions under which the bids were to be received—the invitation to bid—nothing was said about small business, nothing at all was said which would make one believe that in the awarding of this contract, consideration would be given to anything other than the conditions set forth in the invitation to bid. But after the invitation went out and after the bidders had spent money in examining the plant, seeing what it was worth, and hiring engineers to see what it would cost to reconvert it and whether it could be profitably operated, and after the bids were opened and it was found that the bid of the American Potash & Chemical Co. was high, then new rules were set up, and the bid of the American Potash & Chemical Co. was thrown out, the bid of the Columbia Metals Co. was thrown out, and the J. R. Simplot Co.'s bid was accepted, and it was awarded the contract.

Mr. Larson referred to the information he received from the Department of Commerce which he said caused him to award the bid to the Simplot Co., the lowest bidder. He did not have the report with him at the time when he testified, but I thought that perhaps it was all right. However, it occurred to me that I might get the report and read it.

Here is what the report says: It does not recommend the Simplot Co. at all. It recommends the Columbia Metals Corp. But Mr. Larson distinctly left us under the impression that he was following out the recommendations of the Department of Commerce, and that those recommendations indicated that he should make the award to the Simplot Co. Here is what the Department of Commerce said:

DEPARTMENT OF COMMERCE,
OFFICE OF SMALL BUSINESS,
Washington, D. C., December 4, 1947.

To: The Office of the Administrator, War Assets Administration, room 5014, Railroad Retirement Building.

From: J. L. Kelly, Director.

Subject: WAA offering for sale, Plancor 291—Kalunite Incorporated Facility, Salt Lake City, Utah.

Our attention has been directed by the Senate Small Business Committee to proposals for the sale of Plancor 291, the Kalunite Corp. plant, Salt Lake City, Utah, by the War Assets Administration. The responsibilities of this Office under section 18 (c) and (d) of the Surplus Property Act were pointed out and a request was made that this Office look into the possibility that discrimination against small business might result if the proffered plant were awarded to one of the bidders.

Because of the responsibility imposed upon this Office—

Mr. President, that is the Department of Commerce, Office of Small Business—

by the Surplus Property Act, by Executive Order of the President No. 9655, dated December 27, 1945, and subsequent General Order No. 12 of the Department of Commerce, dated January 5, 1946, it is incumbent upon this Office to bring to the attention of the War Assets Administration—

Mark this, Mr. President—

the needs and requirements of small business, and any cases or situations which would result in discrimination against small business in the purchase or acquisition of surplus property by them, or in the disposal thereof by the responsible disposal agency. We have, therefore, gone very thoroughly into the elements of this case and the circumstances related to the offering of Plancor 291, and wish to present for your consideration some of the more significant facts or circumstances which we consider pertinent not only to the economic interests of a large number of small business concerns and to the free enterprise system of this Nation, but also of vital importance to the world economy.

We have established the fact that two of the three bidders—

Mark this, Mr. President—

the Simplot Corp. and the Columbia Metals Corp. do qualify under the provisions of the Surplus Property Act as small business concerns, and that one bidder, the American Potash & Chemical Corp., even if considered entirely independent of subsidiaries and affiliates, could not, by these same standards, be termed as a small business concern. It is, therefore, our responsibility to establish as nearly as possible whether the disposal of this surplus Government facility to this latter company would fulfill the requirements and meet the stated objectives of the Surplus Property Act, as it relates to small business concerns, and the establishment of free independent enterprise, the discouragement of monopolistic tendencies, and the strengthening and preservation of the competitive position of small business concerns in an economy of free enterprise.

A separate document is being presented to convey certain additional information which we deem pertinent to the consideration of this case and its significance with respect to small business.

Because of our responsibility to aid small business generally, and thereby our obligation toward the domestic and the world economy, it is incumbent upon this office—

That is the Department of Commerce, Office of Small Business—

to cooperate with other agencies of the Government to achieve the prompt and full utilization of surplus Government property in the manufacture of those products found to be in critically short supply without fostering monopolistic tendencies or the restraint of trade, we have found it necessary to consider, along with other elements, the production proposed by the respective bidders and the relative need for the proposed products to aid in reestablishing a strong and stable peacetime economy, the development of maximum opportunities for independent operators in trade, industry, and agriculture, to stimulate and to stabilize full employment.

Now:

The American Potash and Chemical Corp. and the Simplot Corp. propose to convert the Kalunite plant within 12 to 18 months, with considerable additional cash expenditure, to the production of phosphatic fertilizers, whereas the Columbia Metals Corp. proposes to convert this same plant within 60 days, at a relatively small additional capital expenditure, to the production of nitrogenous fertilizer (ammonium sulfate).

We have been informed by reliable authorities in the Department of Agriculture, the Department of Commerce, the Economic Subcommittee of the Senate Committee on National Resources, and by the House Select

Committee on Foreign Aid, that there exists today an acute shortage of nitrogenous fertilizers for domestic and for foreign use, and that the shortage is destined to prevail for a number of years to come.

That was what this plant was going to make.

On the other hand, it is reported by the same sources that phosphatic and potassic fertilizers are virtually in balance in respect to supply and demand.

Keep in mind that what this company was going to make was the thing that was desired by the Department of Agriculture, the Department of Commerce, the Committee on National Resources of the Senate, and by the House Select Committee on Foreign Aid, and that what the other two companies were going to make was a commodity which was not in short supply.

Only one of the small plants proposes to manufacture ammonium sulfate, a nitrogenous fertilizer determined to be in acutely short supply; production would begin within 60 days. This small company offered $125,000 more than the highest previous bid, $25,000 over the estimated fair value fixed by WAA, and the higher bid of the two small companies now under consideration. This small company proposes to utilize this plant to effect a saving (at least $10 per ton) upon their present production costs, which saving they pledge will be reflected immediately in their sale price of ammonium sulfate from this point. The fact that the acquisition of Plancor No. 291 would also make it possible for the company to increase their production of ammonium sulfate in the Salem, Oreg., plant, will make it possible for them to effect a saving in production costs at that plant also, which saving would, in turn, be reflected in the sale price of nitrogenous fertilizer from the Salem operation.

Mr. LUCAS. Mr. President, will the Senator name the company, for the RECORD?

Mr. TYDINGS. It is the Columbia Metals Corp. That company is making this particular fertilizer which is in tremendous demand, its activities will result in a reduction in the price of this commodity, and the acquisition of the Utah plant will assist them with their other plant at Salem, Oreg., and enable them further to reduce production costs.

The Simplot Corp. has allegedly expressed an unwillingness to further increase their bid price on the grounds that they can build a new plant for the production of phosphate fertilizers.

Mind you, Mr. President, the letter is dated the 4th of December. In it the Department of Commerce says that this company, which was the low bidder, had refused to increase its bid, but, the next day, award was made to this company at the figure bid by the highest bidder.

That they can build a new plant for the production of phosphate fertilizers, a product now in critically short supply, for a cost comparable to their present offering, plus the capital expenditures claimed to be necessary on Plancor 291.

Let us now see what the Office of Small Business in the Department of Commerce really recommended.

We therefore feel it obligatory upon this office to point out the facts presented and to indicate our belief that an award to the firm which has finally become the highest bidder—

That is the American Potash & Chemical Corp.—

would in effect constitute a discrimination against small business since, under these circumstances, an award to a small, independent company proposing to manufacture a product determined to be in acutely short supply, at a reduced cost, would more completely meet the requirements and stated objectives of the Surplus Property Act.

It has been necessary in some instances for this Office to acknowledge the advisability of making awards to large companies in preference to small companies in the past because of the feasibility of using a certain facility to effect essential production and to relieve shortages, without regarding such actions as discriminatory against small business.

Mark this:

In this case, however, notwithstanding the higher bid price of the one large company, we feel that failure to make an award to the Columbia Metals Corp. will, in effect, not only constitute a discrimination against a particular small-business concern, but against small independent fertilizer manufacturers and distributors and, therefore, against free enterprise.

Notwithstanding that, the Office of Small Business of the Department of Commerce recommended that the award be made to this company which had submitted a bid $10,000 higher than the bid of another company, the latter company, J. R. Simplot Co., was awarded the plant.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. LUCAS. The Senator has been saying "this company" and "this company." Would he kindly identify the companies by name, for the record?

Mr. TYDINGS. I thank the Senator for his suggestion.

To summarize, the Department of Commerce says, "The highest bidder is Big Business, and we are going to throw them out. Of the remaining two companies, this one is smaller. The Columbia Metals Corp. is a smaller company in respect to its financial standing than the J. R. Simplot Co. The Columbia Metals Corp., however, is not only the highest of the two remaining bidders, but it is going to make a fertilizer which is in short supply, which is vitally needed, and if the Columbia Metals Corp. gets this plant, it will result in a reduction of about 10 percent in the cost of this priceless fertilizer ingredient." So the Department of Commerce recommended without qualification that the Columbia Metals Corp. be awarded the contract. But instead, notwithstanding the wording of the invitation to bid that "negotiations will continue with only the highest bidder," the War Assets Administrator negotiated only with the lowest bidder, in effect, and awarded them the contract.

Let me read the concluding paragraph, then I shall endeavor to summarize and make a suggestion to the Senate:

The financial responsibility of the Columbia Metals Corp. has been questioned by the legal counsel to the Surplus Property Review Board of the War Assets Administration. In this regard we wish to direct your attention to the fact that this company—

That is, the Columbia Metals Corp.—

has posted the necessary cash security and proposes in their bid to pay 25 percent of the proffered price. This company—

That is, the Columbia Metals Corp.—

has offered a definite basis for payment of the balance within 10 years.

Here is the United States Government broadcasting an invitation to bid on a plant which the War Assets Corporation is seeking to sell. In due time certain persons are interested. Surveys of the whole situation are made and a figure is arrived at. When the bids are opened it is shown that the American Potash and Chemical Corp. has bid $752,000; the Columbia Metals Corp. bid $635,000; J. R. Simplot bid $625,000. The Administrator told the bidders that if they bid on the plant one of two courses would be adopted, so that they would know how to proceed, whether to spend money for a survey of the plant and to incur other expenses incidental to the bid. The War Assets Administrator said that in the event no acceptable bid was received, then at the discretion of the Administration either one of two things would happen: A new cut-off date would be set, or negotiations would continue with only the highest bidder. That is all the caveat emptor involved. The would-be buyers have been put on notice. They have been told to what the terms of the bid must conform, and they made their bids in good faith accordingly.

The Administrator, after a lot of what I choose to call bad administration, not to use the term "hocus-pocus," went to the Department of Commerce and asked the Small Business Section to tell him which of the three bidders under the law was small business and which of the three, if any, under the law, was large business, and what the War Assets Administrator should do. The Department of Commerce sent him a document which said, "We think you ought to throw out this concern. It is big business. We do not want it to get the plant. We think you should give it to this concern, that is, the Columbia Metals Corp., first, because that company is small business, secondly, because it is a higher bidder than J. R. Simplot, the other small business, and thirdly, because within 60 days it is going to make fertilizer for which there is great need in this country, and particularly in this section, which will bring about a reduction, probably, in the cost of this ingredient. The product which J. R. Simplot will make is not in short supply. Therefore, we recommend all the way through that Columbia Metals Corp. get the contract."

Yet, in spite of that, who got it? The contract was given to the lowest bidder. I called most of these facts to the attention of Mr. Larson, who is a very attractive man personally, a man against whom personally I have not the slightest animosity of any kind. I never asked Mr. Larson to award the contract to any one of the three concerns. It is immaterial to me whether he gives it to this one, that one, or the other one. So far

as I am concerned, I have no interest, direct or indirect, or in any manner, shape, or form in any one of the three companies. So far as I know, no one with whom I am remotely connected has any stock in any of the three companies. I want Senators to know that.

I suggested to Mr. Larson that he throw out all three bids, because I thought that the Government could not afford to break its word. I said, "You told the three bidders the conditions under which they should bid. You said if you received bids you would do one of two things: You would reject them, or ask for new bids. That was one thing. You said that if the price was unsatisfactory you would negotiate only with the highest bidder to see if you could get him up to a point where the property ought to be sold." I said, "The Government cannot afford to break its word. The Government's word in that invitation to bid is, in my judgment, just as good as the Government's word written in the middle of a war bond. Why did you not throw out the bids? Why did you not give the contract to this concern, in the first place, which the Small Business Section of the Department of Commerce said ought to have it?"

I have never received any good answer to that question. When Mr. Larson came before the committee he left me under the impression that the Small Business Section of the Department of Commerce had recommended that the J. R. Simplot Co. get the contract. I have his testimony here to prove it, but I do not want to take the time to read it. I sent for and received the recommendations of the Department of Commerce and found that the Department recommended that Columbia Metals Corp. receive the contract. I do not know anyone in the world connected with the Columbia Metals Corp., but I think they have been "sold down the river," and I think this company has been also. I think I have made out a pretty good prima facie case that there is more to this transaction than meets the eye, and at the proper time I shall move that the nomination be recommitted for further investigation to the committee which reported it. I have already adduced additional facts since the committee reported the nomination some time ago.

Mr. LUCAS. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. LUCAS. I merely want to ask one question, and that is whether Mr. Larson's conversation with the Senator from Maryland disclosed that he ever had any conversation or conference at all with the Columbia Metals Corp. in line with what the Secretary of Commerce has written.

Mr. TYDINGS. In answer to the question of the Senator from Illinois, let me say that after the three bids were presented Mr. Larson testified that representatives of the three concerns and various Members of the House and Senate who had written concerning the sale of the plant had a joint conference and they had quite a talk regarding the whole proposition. I do not think anything was done at the first conference. At least, that is my recollection of his testimony. Mr. Larson had very little to say regarding his treatment of the Columbia Metals Corp., except that the Government had another plant in Salem, Oreg., which the Columbia Metals Corp. wanted to get, as well as the one which is under discussion here. So he said to the Columbia Metals Corp. representatives, "I will give you the plant in Oregon." That took care of them and left an opportunity to give this plant to the Simplot Co.

Mr. MALONE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MALONE. I cannot let this occasion pass without saying a word regarding Mr. Larson. I never heard of him until he was appointed——

Mr. TYDINGS. Does the Senator want to ask me a question, or make a speech? I wish the Senator would defer a moment until I can make sure whether any Senator want to ask me any questions before I surrender the floor.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield to the Senator from Nebraska.

Mr. WHERRY. May I ask the distinguished Senator the final price which was determined in the award to J. R. Simplot Co. How much was it?

Mr. TYDINGS. The J. R. Simplot Co. was finally told that if it would bid as much as the highest bidder the plant would be awarded to it. In other words, negotiations were carried on with only the lowest bidder, to the extent of getting the company to go up to $752,000.

Mr. WHERRY. But they did pay $752,000.

Mr. TYDINGS. That is correct.

Mr. WHERRY. In these negotiations did the Columbia Metals Corp. show they had the financial structure to enable them to buy this plant and also continue to finance the plant they had leased?

Mr. TYDINGS. They had not gotten the plant in Oregon yet. They had complied with every requirement which the War Assets Administration had put upon them as a condition precedent to buying this plan. Further than that, the Senator from Nebraska wrote the War Assets Administrator and urged him to award the plant to the Columbia Metals Corp.

Mr. WHERRY. I think that was because of the bid of the American Potash and Chemical Corp. I cannot remember all the details, and I am just trying to get all the facts before Senators. The Senator may have brought them all out, but as I recall, the Small Business Committee—and I am speaking of the Small Business Committee of the Senate—felt that the American Potash and Chemical Corp. was large business, and if I remember correctly—and I am merely trying to get the facts before the Senate—was it not true that they were under two indictments for violation of the Sherman Act?

Mr. TYDINGS. Not that I know of.

Mr. WHERRY. I think that if the Senator will bring all the facts out——

Mr. TYDINGS. Just a moment.

Mr. WHERRY. I am not trying——

Mr. TYDINGS. Just a moment. That is not an argument. The fact that a concern is under indictment has not a thing in the world to do with the bona fides of this proceeding. In this country a man is presumed to be innocent until he is found to be guilty, and with all due respect to my good friend the Senator from Nebraska, I think that is trying to work in an element of prejudice, and has no effect on the bona fides.

Mr. WHERRY. I hope the Senator will not feel that I am in anyway trying to justify or not justify. I was merely getting all the facts I could remember before the Members of the Senate. If I were going to do what the Senator suggests, I would do it in my own time. I think it is important to know why the Senate Small Business Committee recommended that the American Potash & Chemical Corp. should not be awarded that business.

Mr. TYDINGS. I agree with the Senator, and it is equally important to know why the Small Business Committee recomended the Columbia Metals Corp. and why it did not get the award.

Mr. WHERRY. If I recall correctly, the answer was that the American Potash & Chemical Corp. had some financial difficulty, and if I remember correctly—I may be wrong, and perhaps the Senator from Oregon remembers— in lieu of awarding the Utah plant to the Columbia Metals Corp., did they not acquire the property they were then housed in and settle on that basis, and they could not handle both of them? I may be wrong, but I think those are vital things to consider, and I would not want the Senator for one moment to think I was raising anything in these questions to bring into the argument something that is immaterial.

Mr. TYDINGS. Let me say to the Senator——

Mr. WHERRY. This is a pretty broad subject.

Mr. TYDINGS. The subject which the Senator has raised as to the financial ability of the Columbia Metals Corp. to purchase this plant was investigated by the small-business section of the Department of Commerce, and I will read exactly what they say about that point. Listen:

> The financial responsibility of the Columbia Metals Corp. has been questioned by the legal counsel to the Surplus Property Review Board—

No doubt inspired by one of the other bidders—

of the War Assets Administration.

Listen to this:

> In this regard we wish to direct your attention to the fact that this company has posted the necessary cash security and proposes in their bid to pay 25 percent of the proffered price.

Mr. WHERRY. I am not denying that at all. I am asking the Senator, however, if the record of the full negotiations would not show this situation. This is hazy in my mind, and I am not standing on it as accurate in any way, but it seems to me, as I recall this particular instance, the Columbia Metals Corp. was perfectly satisfied to obtain full use of the plant they were then occupying, in lieu of taking the Utah plant. I may be absolutely

incorrect. I wondered if the Senator knew about that.

Mr. TYDINGS. There is nothing in the record that shows the Columbia Metals Corp. ever withdrew their strategic position in this transaction, and I submit that the Administrator, if he threw out this company as being big business, had to negotiate with only the next highest bidder, which was the Columbia Metals Corp., and there is nothing in the testimony to show any negotiation of the character that was carried on with Simplot.

Mr. WATKINS. Mr. President, will the Senator yield?

Mr. TYDINGS. I shall yield, but before I do, let me say that I have nothing personal in the world against Mr. Larson. It is not necessary for Senators to say he is a charming fellow, or that he has had a fine career out in this town or that, or give the fine points of his record. I am not discussing Mr. Larson as an individual. I am discussing a transaction of the United States Government under the tutelage and the supervision of Mr. Larson, which, in my opinion, reflects upon his capacity to administer the office for which we are about to confirm him.

Now I yield to the Senator from Utah.

Mr. WATKINS. The question was asked whether the American Potash & Chemical Corp. had been under indictment. I went into that matter. It was called to my attention and I found it was untrue. Other corporations ahead of this one at one time had been, but there had been a reorganization—a new owner came into control—and there was no record whatsoever against this company.

Mr. TYDINGS. I thank the Senator.

Mr. WATKINS. I should like to say, in that connection, that the civic organizations of Utah, particularly at Salt Lake City, favored the War Assets Administrator following out the announcement in his bid and awarding the plant to the highest bidder. I appeared personally before him, representing their views, and presenting to him what they had to say about it. We also understood that the Columbia Metals Corp. had presented a bid which did not comply with the terms. In other words, they said, "We want this plant in Salt Lake City if we can also bid on the one in Oregon," and, as I understood, they did not comply at that time.

I also understand, in connection with the discussion, that the American Potash & Chemical Corp. also intended—and so informed the Administrator—that it would manufacture the nitrogenous fertilizers, and Simplot also told them the same thing. There was no situation there where the other two were only going to manufacture what was not in short supply. As a matter of fact, the three of them were willing to manufacture fertilizer, which was badly needed.

I should like to state also that the award to the Simplot Co. practically gave that company a monopoly of phosphate and fertilizer in the intermountain region.

Mr. TYDINGS. That is true.

Mr. WATKINS. The Simplot Co. is in good standing in my State. The thing has been done, we have accepted it, and we have no quarrel.

Mr. TYDINGS. The Senator has been most helpful, and I am sure that all he has said is not only helpful but accurate.

Let me say that I have tried to develop, without a great familiarity with the territory, the monopoly side of this bid. There are three big plants which make the kind of product which the Simplot Co. will make in the Kalunite Salt Lake City plant. One is to the north of Salt Lake City, around Butte, I believe. The other two were on the west coast. So that Simplot, which has a plant at Pocatello, Idaho, now has one at Salt Lake City, and making this particular kind of a product gives him a monopoly throughout the whole intermountain area, without any competition whatsoever.

Mr. KEM and Mr. SALTONSTALL addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Maryland yield; and if so, to whom?

Mr. TYDINGS. Before I yield—and I shall yield in a moment—I wish to put into the RECORD an editorial from the Deseret News, published at Salt Lake City, Utah, the issue of December 31, 1947. This journal is one of the most substantial newspapers of the West, is it not, I ask the Senator from Utah?

Mr. WATKINS. It is one of the oldest, probably the oldest west of the Missouri River.

Mr. TYDINGS. The caption of this editorial is "War, Waste, and Ethics." What it has to say, this being a newspaper in Salt Lake City, where this plant is located, about the way this transaction was handled, makes very interesting reading. It is certainly an indictment of the War Assets Administration, which is very significant. I shall read a couple of paragraphs, and then I shall yield to the Senator from Missouri. I read as follows:

> Now the high bidder is protesting, as well it might. What is the purpose of soliciting bids if not to get the best price obtainable, and put all on a fair equality of opportunity? By what standard of morals can a low bidder, after the bids are opened and laid on the table, be permitted to change his bid and carry off the plum for precisely the sum offered by the high bidder in the first place?
>
> This is not to criticize Mr. Simplot, to whom the award was made. He had a right to bid any sum he chose and to buy as cheaply as he could. Obviously he bid less than he thought the plant was worth to him for he raised his bid by $127,000 to meet his competitor's offer. What reason is there for supposing that the bid accepted represents the fair value of the plant? If the high bidder had been another $300,000 or $500,000 higher, what reason is there for assuming that that price would not also have been met by the successful bidder?

Then the editorial continues with this significant remark:

> It makes not the slightest difference to the Deseret News who obtains or operates the property. It does not know the bidders. But the morals involved raise another question.

Listen, Senators—

> In common honesty if the high bid was to be rejected, then all bids should have been rejected and new ones called for.

That is what the invitation to bid said.

> It is a fair guess that if that had been done—

And that is what I suggested to Mr. Larson—

> that if that had been done, the price would have gone measurably above $752,000.

In my opinion if these three bids had been rejected for any legitimate reason, and new bids had been asked for, a higher price would have been obtained, because while these bids were pending the American Potash & Chemical Co., I am advised, notwithstanding they had bid $752,000, wrote Mr. Larson before the award was made that they would go up to eight hundred and some thousand dollars if it was going to be a case of negotiating with the highest bidder. In my opinion two or three hundred thousand dollars more could have been obtained for the plant if that had been done.

Let me continue for one more sentence.

Mr. WHERRY. What company would pay two or three hundred thousand dollars more?

Mr. TYDINGS. I said that the American Potash & Chemical Co., before the award was made, offered to go up to eight hundred and some thousand dollars for it.

Mr. WHERRY. I did not understand what company the Senator spoke of.

Mr. TYDINGS. But the other company was not asked to meet that price. It was only asked to meet what the American Potash & Chemical Co. had bid on the initial opening.

Mr. HAWKES. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. HAWKES. What I have heard stated here would be and is a great revelation to anyone who has ever been engaged in business. I am one who believes that the United States Government has got to do business the way decent people do business.

Mr. TYDINGS. I thank the Senator. That is all I am asking for, a square deal for these three concerns, and I do not think they have had it.

Mr. HAWKES. I should like to ask the Senator this question: When the United States Government is unethical what hope is there to get people to bid reasonable sums for property offered for sale by the Government? In such a situation what hope is there to get them in the future to make bids if there is to be followed a practice such as the one in this instance? The American Potash & Chemical Co. bid $752,000 and the Government breached its word, which, I agree with the Senator, should be a word of honor, and let the lowest bidder—and I do not know any of the bidders—have another opportunity, and he raised his price to the point of the top bid which was made, but not to the point at which the plant could have been sold. Is it not true that it could have been sold at a higher price?

Mr. TYDINGS. Yes. Let me read one more sentence, and then I shall yield to the Senator from Missouri [Mr. KEM].

Mr. HAWKES. I am sorry to have interposed. I realize that the Senator said he would yield next to the Senator from Missouri.

Mr. TYDINGS. Here in two eloquent sentences is the answer to what the Senator from New Jersey said:

If any private owner played fast and loose in that way, with solicited bids he would be denounced for unethical practice. Is the Government absolved from adherence to ethical standards exacted of private citizens? It costs something to prepare and submit bids. There must be visits of inspection. There must be computations to determine adaptability to intended uses; determination of market demand for products; costs of manufacture at the new location and multitudinous other factors must be studied and resolved.

Bidders take all these risks. If their bids are too low they have lost. Per contra, if a bid is high, the bidder has a right to the benefit of his better judgment, unless all are considered too low and discarded together.

* * * * *

War is waste. There is no time in the processes connected with it when its wasteful character is not manifest. If proof be needed, witness a $7,000,000 property dumped for $752,000. But transcending this material wastage by infinity is the human wastage—wastage of life—and worse still, perhaps, the wastage of standards of honor.

What an indictment of the United States Government.

Mr. President, I ask that the entire editorial from the Deseret News, of Salt Lake City, of December 31, 1947, may be printed in full in the RECORD at this point.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

WAR, WASTE, AND ETHICS

Protests seem to be the order of the day. They pile one on top of another. There is a case in point right here. The Kalunite plant built in Salt Lake at a tremendous cost, sometimes stated as being $7,000,000, has been declared surplus property and its disposal ordered.

Bids were solicited and received. The high bid was $752,000—a sum said to be considerably higher than the fair disposal value fixed by the Government agency, but so far from cost that one wonders about the basis for fixing fair value.

A lower bidder protested the sale to the high bidder and a hearing was held. The upshot was that the lowest bidder of all—$127,000 below the high bidder—was permitted to meet the high bid and sale to him was ordered.

Now the high bidder is protesting, as well it might. What is the purpose of soliciting bids if not to get the best price obtainable, and put all on a fair equality of opportunity? By what standard of morals can a low bidder, after the bids are opened and laid on the table, be permitted to change his bid and carry off the plum for precisely the sum offered by the high bidder in the first place?

This is not to criticize Mr. Simplot to whom the award was made. He had a right to bid any sum he chose and to buy as cheaply as he could. Obviously he bid less than he thought the plant was worth to him for he raised his bid by $127,000 to meet his competitor's offer. What reason is there for supposing that the bid accepted represents the fair value of the plant? If the high bidder had been another $300,000 or $500,000 higher, what reason is there for assuming that that price would not also have been met by the successful bidder?

It makes not the slightest difference to the Deseret News who obtains or operates the property. It does not know the bidders. But the morals involved raise another question. In common honesty if the high bid was to be rejected, then all bids should have been rejected and new ones called for. It is a fair guess that if that had been done, the price would have gone measurably above $752,000. Each bidder naturally wanted to buy at the lowest acceptable figure. The problem was to guess how much competitors would offer and to bid just enough above them to gain the award. Low bidders guessed wrong, but instead of having to abide by their mistakes, with full knowledge of what the high bid was, the low bidder was allowed to match it and gain the award, though by raising his bid he thereby confessed that his real bid was far below what the property was worth to him.

If any private owner played fast and loose in that way with solicited bids he would be denounced for unethical practice. Is the Government absolved from adherence to ethical standards exacted of private citizens? It costs something to prepare and submit bids. There must be visits of inspection. There must be computations to determine adaptability to intended uses; determination of market demand for products; costs of manufacture at the new location and multitudinous other factors must be studied and resolved.

Bidders take all these risks. If their bids are too low they have lost. Per contra, if a bid is high the bidder has a right to the benefit of his better judgment, unless all are considered too low and discarded together.

It does not do to say the war disposal agency did not agree to, nor was obligated to accept the high bid. It profited here $127,000 by reason of the high bid. Will it recompense the high bidder for getting for it that extra sum? It will not. Doubtless the successful bidder would have got the plant for $625,000 if there had been no higher bid. Because there was a higher bid, the agency profited $127,000, all at the expense of the one who made it—rather a shabby performance.

Neither does it help the morals of the situation to say the agency's rules for disposal, or the law, require that preference be given small business over big business. Surely this does not mean that taxpayer's money is to be given as a gratuity to set one up in business because he may qualify as being small. There are plenty of worthy "small" citizens who would be happy to go into business if public money were offered free to establish them. And that is precisely what is involved here. If the low bid of $625,000 had been accepted, that would amount to giving the bidder, a private citizen, $127,000 of money which belongs to the overburdened taxpayers. The rule adverted to cannot mean more than that of two bidders making substantially equivalent offers, the small bidder is to be preferred. The course taken by the agency, in getting the low bidder to raise his offer, proves that the agency so construes the rule. It can't arbitrarily say to one, "You are so big I shall accept a mere fraction of what you offer from the one whom I say is small."

Neither can it honorably circumvent the plain demands of ethical practice, or the requirements of its own rule by the shabby subterfuge indulged here. If the American Potash & Chemical Co. was not an eligible bidder, why wasn't it told so in the first place and excluded from the bidding? If it was an eligible bidder, as receipt and consideration of its bid demonstrates that it was, then on what plane of morals can it be denied the fruits of its judgment exemplified in its bid, and a competitor who guessed wrong and sought to profit by acquisition of a valuable public property at a confessedly gross undervaluation, be rewarded by a preference unjustified by the rule invoked?

War is waste. There is no time in the processes connected with it when its wasteful character is not manifest. If proof be needed, witness a $7,000,000 property dumped for $752,000. But transcending this material wastage by infinity is the human wastage—wastage of life—and worse still, perhaps, the wastage of standards of honor.

Mr. HAWKES. Mr. President, will the Senator again yield?

Mr. TYDINGS. I yield.

Mr. HAWKES. The Senator read from the editorial language which said that if a private institution did what was done by the Government in this case it would be charged with unethical practice.

Mr. TYDINGS. Would be indicted.

Mr. HAWKES. And might be indicted. We have courts of justice, where justice, as we have known it, is administered, and a private institution charged with such practice could be sued, and damages collected for breach of contract.

Mr. KEM. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. KEM. The Senator from Maryland has made abundantly clear with his usual clarity the point that he terms under which the property was offered for sale were not complied with by the War Assets Administrator. The question I am about to ask him does not go to that point, but is directed rather to the good faith in which the Administrator acted. Did the Administrator ascertain whether or not Columbia Metals Corp. was willing to offer $752,000, the price at which the property was sold?

Mr. TYDINGS. I cannot answer that question categorically, because, so far as I can recall, it was never asked specifically. I am of the opinion, from the general purport of the Administrator's testimony, that the Columbia Metals Corp. was not asked to bid $752,000. However, I may be mistaken. The specific question was not asked, but that was the impression left by the Administrator's testimony.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MOORE. I should like to ask the Senator from Maryland if this statement was made to the committee which considered the nomination?

Mr. TYDINGS. Yes.

Mr. MOORE. And was it embodied in any record made on the nomination?

Mr. TYDINGS. I made a statement. I went before the committee 2 days. Further than that, a memorandum was sent to me. It is a memorandum submitted by the Columbia Potash & Chemical Corp. regarding disposition of Plancor 291 by the War Assets Administration. I did not use this memorandum because it looked to me to be ex parte testimony, and perhaps it might be colored. But Mr. Larson used it. And he quoted, I think, from page 6. Mr. Larson read from the memorandum and he stopped when he got to a certain point in his reading, because up to that point all that he had read favored the position he had taken. But I do not think Mr. Larson knew that I had a copy of this document. So when he completed the part he wanted to read I asked him to continue, and as he read on the following two or three sentences, Senators will see by reading the report that it was most

critical of Mr. Larson rather than praiseworthy. This is what the critical part was on page 7. I shall not take the time to read it all:

A concern interested in purchasing surplus property is, of course, on notice of the foregoing special provisions for small business. It must reckon with the fact that the term "small business" is not defined in the act and is subject to interpretation by the disposal agency under regulation No. 10 (sec. 8310.1 (b) (7)).

That is where he quit. Then I said, "Well, read on, Mr. Larson," and this is what the report said:

But it is entitled to have the discretion left by the act and the regulation to the disposal officer exercised with reason and with business fairness. And where the disposal officer, by establishing and publishing terms of disposition which include no provision for singling out a small business, represents that for a particular transaction the price bid, not the relative size of the bidders, is to be the basis for an award, the bidders should be entitled to rely on the representation in the absence of plain and unmistakable reasons under the law for not carrying out the representation.

Mr. Larson, to quote him exactly, said that he was ashamed of this transaction. I asked him, if he was ashamed of it, why he did not throw it out.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MOORE. I understood that he referred this question to the Department of Commerce, as he was obliged to do, to determine whether these businesses were big or little businesses, and he was told by the Department of Commerce that the American Potash & Chemical Corp., the high bidder, should not be considered, for the reason that it did not qualify as small business. Am I correct in that statement?

Mr. TYDINGS. That is correct.

Mr. MOORE. The complaint the Senator is making is that that provision was not included in the proposition made to bidders.

Mr. TYDINGS. Many things have been sold by the Government with respect to which the question of small business did not enter. Small business is not defined in the act. The law does not state whether a capitalization of $100,000, $1,000,000, or $50,000,000 is small business. Many times when invitations to bid are invited, there is no mention of small business. Take the case of the sale of the Big Inch, which involved almost $100,000,000. The invitation to bidders stated that if the bids were not acceptable they would all be thrown out and new bids would be asked for, or the right was reserved to negotiate with the highest bidder, on the theory that he would probably be willing to pay a price nearer the cost. So when invitations for bids were sent out, every bidder had a right to rely on the assumption that the question of small business would not enter into the problem.

Mr. MOORE. Does the Senator complain because Jess Larson submitted the question to the Department of Commerce for information?

Mr. TYDINGS. As I understand, Jess Larson himself did not prepare these invitations.

Mr. MOORE. But it was done by the Administration.

Mr. TYDINGS. It was done by the Administration; and he was the general counsel when they were prepared. He was not the Administrator. But when the bids came in Mr. Larson was the Administrator, and he saw what the terms were to be in the invitation to bid, and what the bids were in relation to those terms. So he had knowledge before he took any action.

Mr. MOORE. He has been Acting Administrator for many months, has he not?

Mr. TYDINGS. Yes. I have been trying to get him to straighten this matter out, and ask for new bids.

Mr. MOORE. His appointment has been held up by the committee, has it not?

Mr. TYDINGS. The chairman was kind enough, during the time I was in the hospital, to hold it up until I could get back, and until such time as I felt that I had regained sufficient vigor to present the case.

Mr. MOORE. Even long before that, this appointment had been pending before the committee. If the Senator will permit me, I wish to say that Jess Larson is from my State. I have a slight acquaintance with him.

Mr. TYDINGS. He is a very likable man.

Mr. MOORE. He is a very fine man, in my opinion. However, certain material was sent to me from Oklahoma, containing complaints about his conduct there several years ago.

Mr. TYDINGS. I received the same complaints. I did not use the material.

Mr. MOORE. I filed the complaints with the committee. I want my position to be understood, since Mr. Larson is from my State. I filed the complaints with the committee and notified those who made the complaints that they would have an opportunity to be heard. I believe that the nomination has been held up for a long time so that they might be heard. So far as I know, they have never asked to be heard by the committee.

Mr. TYDINGS. Whether those charges were ever referred to the committee or made known to the committee, I am not in a position to say. They had their roots back in Oklahoma. They were sent to me. I do not know the persons who sent them, but I understand that one of the complainants was formerly a high officer in the State government.

I did know about this particular transaction. I do not want to smear Mr. Larson. I have not a thing in the world against him. I would rather do him a good turn than a bad one. This question has to do with his fitness to hold the office for which he has been nominated.

Mr. MOORE. If the Senator will allow me to make a suggestion, I have a high regard for Mr. Larson, but I do not know anything about his past record. Nothing has been done about that. However, I think it is in the interest of Mr. Larson that this question be cleared up. I do not represent him.

Mr. TYDINGS. Does the Senator mean the present question, or the old charge?

Mr. MOORE. The nomination ought to go back to the committee so that his record can be cleared by testimony.

Mr. TYDINGS. I should like to hear from some member of the committee.

Mr. HOEY. Mr. President, I should like to make a statement about this matter.

Mr. TYDINGS. Does the Senator want the floor in his own right?

Mr. HOEY. Yes. I am a member of the committee. I heard all the testimony on all sides, and I wish to make a statement when the opportunity comes.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. McCLELLAN. The chairman of the committee is not present. Whatever the charges were in Oklahoma, perhaps they reached our committee through the Senator from Oklahoma. I do not recall. But when those charges came before our committee, the chairman of the committee appointed a subcommittee to investigate the charges. This question was not before us at that time. I do not recall now who was appointed on the subcommittee.

Mr. HOEY. I was a member of the subcommittee.

Mr. McCLELLAN. The Senator from North Carolina was on the subcommittee. The subcommittee went into the charges and fully satisfied itself. It reported to us that they were baseless, and that it would be a waste of the time of the committee to hold extensive hearings on them. That is the way the subcommittee felt about it.

If the Senator will further yield, I should like to make one further statement.

Mr. TYDINGS. Before I yield further to the Senator, I should like to have the RECORD show that the Senator from Maryland, when he was before the committee, never in any way, manner, shape, or form referred to the charges which were then in his possession, because frankly, he called the Senator from Oklahoma and stated that he had no desire to draw a red herring across the trail because he was interested only in this transaction. I asked the Senator from Oklahoma whether he knew anything about the charges. He stated that certain charges had been sent to him, and that he had sent them to the committee. So the Senator from Maryland made no reference of any kind, in any manner, shape, or form to anything except the question which is now before us.

Mr. McCLELLAN. Mr. President, will the Senator further yield?

Mr. TYDINGS. I yield.

Mr. McCLELLAN. In that connection, if Senators are disturbed about whether there is anything against Mr. Larson's name so far as the Oklahoma charges are concerned, I think the committee was wholly satisfied in that regard.

Mr. MOORE. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MOORE. I assure the Senator from Arkansas that I did not know a sol-

itary thing except the statement which was sent to me. I did not even read the charges. I heard some conversation about them. I took no part in them, because all I did was to offer the witnesses who made the complaint an opportunity which I am sure they would have if they wanted to come here and testify. I do not know a thing about the charges, and I disclaim any knowledge or any opinion in that respect.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. McCLELLAN. The Senator from North Carolina [Mr. HOEY] was a member of the subcommittee which investigated that question, and he will make a statement concerning it.

Mr. TYDINGS. I do not think it is fair to Mr. Larson to bring in the other question. No charges have been made on the floor of the Senate, and whether the information be good or bad, I do not believe that it is a part of this hearing.

Mr. McCLELLAN. Mr. President, if the Senator will further yield, I did not bring up the question; but since it was brought up, I felt that Mr. Larson was entitled to have the statement made that a subcommittee investigated the question and felt that there was nothing to the charges, and that it would not be worth taking up our time to go into them.

I should like to point out one further thing in connection with the three bids. Since great emphasis is being placed upon the notice to bidders, let me point out that this property had been in the hands of the War Assets Administration for 2 years or longer, and the administration had been trying to sell it. I have not read the record of the hearings, but I understand that bids have been received on this property four or five different times.

Mr. TYDINGS. That is correct.

Mr. McCLELLAN. Each time three companies bid, but not the American Potash & Chemical Corp. It was never a bidder on this plant, until this last time. Only the three companies which had been bidding on the plant previously were submitted notices to bid at this time. So the American Potash Co. evidently got the papers and forms which had been sent to another company which had been bidding on the property all along—a small company, which, as I recall, qualified as a small business concern, and submitted its bid.

Mr. TYDINGS. Does the Senator know that to be the fact?

Mr. McCLELLAN. That is the testimony.

Mr. TYDINGS. Yes; but what does the Senator mean by a small concern?

Mr. McCLELLAN. As I understood the matter, Mr. Larson testified as to the other company—the one to which a notice was mailed, but which did not submit a bid the last time, but, instead, the American Potash Co. bid in its place—as I recall his testimony, that it was a small concern and was eligible, and had this bid been from it, the contract would have been awarded to it. That is my recollection of the matter.

Mr. President, if the Senator from Maryland will yield further—

Mr. TYDINGS. Yes, although of course I wish to conclude.

Mr. McCLELLAN. I understand. I wish to make an observation, and then I shall not take any more time at this point.

As I have said, I have not read the testimony since the committee heard it. If there is to be any serious question about it, all of us should read it, because we are dealing with the question of the confirmation of the nomination of a person against the character of whom nothing can be said, so far as I know. All that is involved here is a question of discretion or whether there has been a breach of faith.

As I see it, when the American Potash Co. failed to qualify, that left only two other bidders. I wish to say—and I believe the record will reflect this statement—that negotiations were carried on with the other two bidders, and finally it developed that the Columbia Metals Corp. would have financial difficulty in trying to finance both plants, including the one in Utah, because it would require approximately $2,000,000 to convert this plant in order to adapt it to make the fertilizer which each company wished to make there; and some arrangement was worked out with the next highest bidder, whereby it accepted a plant in Oregon, which so far as I know it was satisfied with; I do not think there is any testimony that it was not satisfied with it.

Finally Mr. Larson submitted to the low bidder a proposal that if it would pay the high bid which had been submitted, the contract would be awarded to it.

Mr. TYDINGS. Mr. President, I am about to surrender the floor. I simply wish to make this summary: Hundreds of invitations for bids which were sent out in connection with surplus property had nothing to say about small business. Hundreds of contracts for surplus properties which were taken over by big business were awarded on bids made on invitations which had nothing to say about small business. For instance, the Big Inch pipe line comes to my mind, because the Armed Services Committee, of which I am a member, had to pass on that matter, among others. We rejected the original bid that was made, and got a higher one.

In this case there was every reason to believe that either every bid would be rejected or negotiations would be continued with only the highest bidder. However, negotiations were continued with only the lowest bidder. There has never been anything in the testimony to show that the Columbia Metals Corp. said, "We do not want the plant."

The difference between the position of the Senator from Maryland and the position of the members of the committee is illustrated by a remark made by the able Senator from North Carolina [Mr. HOEY], when I was testifying before the committee. He said, "Granted Mr. Larson made a mistake, but I do not think we should reject him on this one mistake—granted that he has made a mistake."

I think that was the attitude of the committee. There is no question in my mind that the committee members think this whole transaction is regrettable and that it ought to have been handled more efficiently. Yet I say that if we had been one of the two companies making the highest bids, and had been rejected, it would not be so easy for us to take the detached position which Senators take when they have not been directly involved. It makes a big difference when you are the loser or the gainer. I think the Government of the United States should see to it that all its constituents, be they corporate or individual, are treated with exact fairness, and that its word is religiously adhered to in any transaction in which it may be engaged.

Mr. SALTONSTALL. Mr. President, if the Senator will yield to me, I should like to ask him a question.

Mr. TYDINGS. Certainly, although I am prepared to yield the floor.

Mr. SALTONSTALL. The Senator from Maryland has stated that he believes Mr. Larson has exercised bad judgment. Does the Senator say flatfootedly that there is any evidence of bad faith, or is it simply a matter of bad judgment?

Mr. TYDINGS. I would have to say that there are elements in this matter which certainly lend themselves to a belief that it would not be what might be called strictly regular.

Mr. President, before I surrender the floor, I wish to make a motion that this nomination be recommitted to the committee which reported it, with instructions to investigate further. For instance, I did not know, and there is no evidence before the committee up to now to show, that the Department of Commerce, Small Business Section, had recommended that this contract be awarded to the Columbia Metals Corp. From Mr. Larson's testimony, I was made to believe that the Department of Commerce had recommended that the contract be awarded to the Simplot Co. But that is not the case.

Mr. MALONE. Mr. President, I should like to ask my distinguished colleague, the Senator from Maryland, whether there was any difference between the proposed method of payments, and whether the Simplot Co. offered to pay cash.

Mr. TYDINGS. I shall read that, if the Senator is interested in it. But the answer is "No." The three companies had different financing plans.

Mr. MALONE. Then did the Administrator, in the judgment of my distinguished colleague, violate his oath of office in the action which he finally decided to take? In other words, was it within his discretion to act as he did?

Mr. TYDINGS. Of course I do not think—and I have tried to argue this for the last hour—that it was within the discretion of the Administrator to say, "If you gentlemen will come in and bid, here are the terms on which the award will be made," and then tear them up, and say, "No; we will do it in another way." I have tried for an hour to prove that point.

Mr. MALONE. Mr. President, I am familiar with the fact that the sale of this plant has been long delayed, but not to the extent of being able to determine whether the Administrator went outside his discretion.

Mr. TYDINGS. In my opinion, he did.

Mr. MALONE. At one time I asked the Administrator the status of Mr. James Gallagher's bid for the Columbia Metals Corp., a man for whom I have a high regard. But there was some suggestion that he wanted both plants—both the one in Utah and the one in Washington on the same bid and that the bid did not qualify. There again I have not sufficient information to pass judgment.

I wish to say for Mr. Jess Larson that I have the highest regard for him; and in comparison with his immediate predecessor, I think there is such a contrast with respect to good administrative practices that there is no comparison whatsoever. I think Mr. Larson is head and shoulders above a great many Government officials who are engaged in Government operations at this time, so much so that I could not let this opportunity pass without saying that I have such a high regard for him, and that I have never known of any complaint regarding his administration, until now, also that I intend to vote for his confirmation.

Mr. TYDINGS. Of course, Mr. President, neither the Senator from Nevada nor I am qualified to pass on Mr. Larson's administration of the War Assets Administration. Probably the Senator from Nevada knows of only one one-hundredth of 1 percent of what has taken place in that Administration, and I know about the same amount.

Mr. MALONE. The Senator is entirely correct, it is impossible to pass on more than our opinion of his integrity. A mistake is not so important—questioning his integrity is important.

Mr. TYDINGS. So I know that our opinion of Mr. Larson's capacity is not worth a continental in any court of judgment.

But I have stated my position regarding his exercise of judgment. It makes no difference whether others agree with me or do not agree with me. I present the question to the Senate.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. HOEY. Mr. President, a few days after this nomination came to the committee of which I am a member, the distinguished Senator from Oklahoma sent over some charges which originated in the State of Oklahoma. The Senator from Vermont [Mr. AIKEN], chairman of the committee, appointed the Senator from Minnesota [Mr. THYE] and myself on the subcommittee.

We took the file in this case, and went over it very thoroughly, and investigated it as fully as we could without having witnesses come before us. We had a number of pieces of evidence submitted to us. After going over the case thoroughly, both the Senator from Minnesota and I were absolutely satisfied that there was nothing in the Oklahoma charges, and we submitted such a report to the full committee, and it was unanimously approved by the committee.

Then came the presentation of this matter. The Senator from Maryland [Mr. TYDINGS] was sick at the time, so the committee deferred the matter until he recovered and could present it. I want to say for the Senator that he made a very splendid investigation and presentation of this question to the committee. I think he rendered a distinct public service, because there are many things not only concerning this matter but about all the dealings of the War Assets Administration which I think need to be ventilated and as to which the public needs to know the procedure.

When we come down to this individual case, I heard the testimony at all times covering the whole matter. After considering all the testimony, the committee reported unanimously in favor of the confirmation of the nomination of Mr. Larson.

Let us consider the situation. The disposal of this property had been under way for 2 years. One proposition after another had been submitted, and the bids were finally raised from the original $130,000 up to the ultimate figure of $752,000. The last time bids were requested there were three parties who had previously bid, and the invitation to bid was sent to those three parties.

The invitation was not sent to the American Potash & Chemical Corp. It had never before submitted a bid, so it did not receive a copy of the invitation unless it got it from somebody else. It was not sent to them.

There were three bidders the last time previous to this taking of bids, and each one of them was sent a copy of this invitation to bid. The American Potash & Chemical Corp. received no invitation to bid, unless they procured it from the other bidders, who had previously been bidding on the plant.

The War Assets Administration had had the property appraised in the regular method by which they appraise property, the appraisal being $611,000. They had continued to reject bids failing to come up to that figure. It was desired on the part of everybody concerned that the plant be put in operation, because the purpose was to manufacture high-grade phosphates, which were very seriously needed.

When the bid in question was received, it became necessary, under the law passed by the Congress, for the Administrator to submit the matter to the Commerce Department.

Now, upon the question of the eligibility of the bidder. In accordance with that law, Mr. Larson submitted the bids to the Commerce Department. They made a report, ruling out the American Potash & Chemical Corp. After they did that, there were but two bids remaining. The Commerce Department, under the law passed by the Congress giving them the power and the authority to do so, ruled out the highest bidder.

When that bidder was ruled out as not being small business, the law having provided that preference must be given to the small business, the Small Business Committee of the Senate, of which my distinguished friend the Senator from Nebraska is chairman, wrote a letter suggesting that the bid of this small business concern should be accepted.

What happened after that occurred? Mr. Larson called in the Columbia Metals Corp. and the Simplot Co., the two bidders qualifying before the Commerce Department, the only two certified as having qualified. If we are to follow the law which was passed by the Congress and the recommendations of the Commerce Department, then Mr. Larson could not have considered the bid of the American Potash & Chemical Corp. He was, therefore, reduced to the necessity of considering the two other bids submitted.

As soon as that came about he communicated with Columbia Metals Corp. and gave them the opportunity to say whether or not they wanted to purchase the plant. He told them, "Of course, we want to get as much as the high bid, which was $752,000." In discussing the matter, he went into their financial situation saying, "Now, you want the plant at Salem, Oreg. Can you finance that plant and this plant, both?" After some discussion about that and the question of increasing the bid, the Columbia Metals Corp. manager said, "I cannot increase this bid without holding a meeting of my board of directors. I have no authority to increase it." Mr. Larson said, "It is important to get this plant in operation, because the time is growing short, and if we are going to do anything about it we have got to do it right away." He called in the Simplot Co.'s representative who said, "I will raise my bid to $752,000, and I will give you an answer today that I will take it." After discussing the matter with Columbia Metals Corp. and the Simplot Co., Mr. Larson conferred with others, including several Members of the House of Representatives and several Senators. I do not mean that any of them had any interest in this at all except they wanted the plant to get under way and into production. It was going to cost about $2,000,000 to convert the plant for the purpose of manufacturing a high grade of phosphate, of which there was a critical shortage.

After full discussion of the matter, Mr. Larson decided to make the award to the Simplot Co. That was done, and the contract executed. The contract provides, as the only exception to its being put into effect by the Government, that if the Justice Department should rule that the effect of the award would be to create a monopoly, then the Government could refuse to make the award.

The Justice Department approved the award to the Simplot Co., stating that its control of the plant in question would not create a monopoly, the field being open for all plants operating in that area. There are three or four great plants producing phosphates of this sort, and the entire territory is open. The Justice Department said, "There is no objection on the part of the Department of Justice on the ground of creating a monopoly, to awarding this plant to the Simplot Co."

Following that ruling the award was fully consummated.

The Senator from Maryland has very accurately, very intelligently, and very fully presented the matter, both to the committee and now upon the floor. I want to thank him, as the committee did, for fully investigating and developing the matter. The committee has also gone into it very fully. I remember asking the distinguished Senator this question before the committee: "Senator, let us assume for the sake of argument that probably Mr. Larson ought to have awarded

this plant to the other company—not the first one, because under the law and under the regulations of the Commerce Department it was ruled out. That company, if given more time, might have been able to qualify. They had been awarded another plant, the operation of which was likewise essential. Let us assume for the sake of argument that probably Mr. Larson ought to have done something further about it. Is there anything about that that tends to disqualify him for this position? Or, assuming he made a mistake, would the making of one mistake, in view of all the problems confronting the War Assets Administrator, justify the Senate in refusing confirmation? Because he failed to exercise the best judgment possible, according to the Senator's standards, should he be disqualified?"

Personally I cannot consent to that, because, whether we like it or not, or whether we think it wise or not, the Congress has provided that certain bidders shall be eliminated. If they are eliminated because of being big and we want small business to have such plants, then certainly in the exercise of good faith the War Assets Administrator must pursue that policy and must make awards to those who qualify.

One thing more with reference to the invitation for bids. I mentioned the fact that an invitation was not sent to the American Potash & Chemical Corp. I also mentioned that the form for the bid was not written by Mr. Larson. The bid invitations were sent out before he ever became Administrator. He never saw the bid, never heard of it, in the sense of this language in it, until after the bids were opened. But in this very same bid sent out with this language, it had the other language, that the War Assets Administration reserved the right to reject any and all bids. That was in it also.

Therefore they had the broad right to reject any and all bids, notwithstanding the language contained in the bids. The same sheet that went out, which was not sent to the bidder, because he had never been in the picture before but had evidently obtained the bid form from the other bidder who retired, had embodied in it the statement that the right was reserved to reject any and all bids submitted by anyone.

When we analyze this situation we find a man who is filling a very difficult position, having to solve all the problems that come before him and having to make decisions. Assuming that he probably should have negotiated some time longer to see whether the Columbia Metals Corp. could have qualified, yet, the matter having dragged along for 2 years, and the plant finally being in position to reopen and obtain the machinery necessary to operate, he decided he might as well bring the matter to a close, and he closed it with the award of the contract. Is there anything in that action which reflects upon the capacity, the integrity, or the judgment of the War Assets Administrator to the extent of denying confirmation?

Mr. KEM. Mr. President, will the Senator yield?

Mr. HOEY. I yield to the Senator from Missouri.

Mr. KEM. The Senator from North Carolina is asking a question. It seems to me the question is whether, if a mistake was made, it was made in good faith or in bad faith. I should like to ask the Senator whether the Columbia Metals Corp. was given an opportunity to buy the property for $752,000.

Mr. HOEY. The evidence shows that the War Assets Administrator called in a representative of the Columbia Metals Corp. and asked him if his company would pay $752,000. He replied that he could not give an answer. He said, "I will have to have a meeting of my board of directors before I can tell you."

Mr. KEM. I have one more question, Mr. President. Is the Columbia Metals Corp. now complaining, or did it ever complain, about the way in which it was treated?

Mr. HOEY. I do not understand that it complained, but I cannot say definitely with respect to that, because that aspect was not gone into fully. There was a negotiation with them, and a discussion of the subject. They were asked whether or not they could meet the high bid which had been submitted, and the representative of the company said he could not do so without having a meeting of the board of directors of the corporation, which would require time and further information. There was also discussed at the same time, the proposition of the amount of money which would be required to convert the plant. The representative was told, "You are bidding on the Salem plant, and I think your bid will be accepted, because it is a high bid." After a good deal of discussion the company was awarded the Salem, Oreg., plant, and the other plant was awarded to the Simplot Co.

Mr. HATCH. Mr. President, will the Senator yield?

Mr. HOEY. I yield.

Mr. HATCH. I was interested in the question asked by the Senator from Missouri as to whether any complaint was made. Did anyone appear, making any charges that the company was not fairly dealt with?

Mr. HOEY. No; there was nothing regarding that brought out before the committee. If anyone had any grievance it was not brought before the committee.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. HOEY. I yield to the Senator from Nebraska.

Mr. WHERRY. The Senator is a member of the committee. Was the nomination reported unanimously?

Mr. HOEY. Yes. The entire committee was not present, but there was a quorum of seven present.

Mr. WHERRY. Does the Senator recall the vote?

Mr. HOEY. It was unanimous.

I might say in response to the question of the Senator from Missouri that from a full investigation of the matter I am absolutely firm in saying that I do not find anything which reflects upon the integrity or the good faith of the War Assets Administrator. I think the only question that can be raised is with regard to whether he made a mistake in judgment by not pursuing further negotiations and dealing with the matter further, allowing time for the board of directors to meet. Then the only question would have been as to whether the company would be willing to raise its bid to the amount which the Government did receive. The appraisal value was $611,000, and the Government received $752,000 for the plant.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. HOEY. I yield to the Senator from Kentucky.

Mr. BARKLEY. Inasmuch as the Simplot Co. had agreed on the very day the matter was submitted to them to make a high bid, it is fair to assume that the Columbia Metals Corp., after whatever delay was necessary, had also agreed to make a high bid. The War Assets Administrator would still have the discretion to decide which one should have the award, both of them offering to make a high bid, and the Administrator having decided to sell to the Columbia Metals Corp. the Oregon plant, and assuming that both of them were equally responsible financially, would it have been a violation of sound discretion, even under hose circumstances, to have awarded the contract to the company which received it, since the Administrator had discretion to decide between them?

Mr. HOEY. I think that is a correct statement, and I think the committee took that view of it. I think the whole examination did not reveal any underhand dealing. It was all open and aboveboard. Everyone had a right to talk about it. The subject was under discussion, and it was talked over with representatives of small business. The decision which was reached, I think, was the result of honest investigation and the desire on the part of the Administrator to do what he thought was best under the circumstances.

Mr. TYDINGS. Mr. President, I have no desire to prolong the debate. If I may have about 10 minutes I should like to clear up one or two points which I think are in obscurity.

I cannot accept all the implications which flow from the assertions made by my distinguished friend from North Carolina [Mr. HOEY]. First of all, he says the invitation to bid contained the clause that the Government reserved the right to reject any or all bids. That clause is in every proposal, private, and public. Did the Government reject all bids? Did it ask for new bids? Not at all. Suppose the American Potash and Chemical Co. had not bid at all; then suppose, for the logic of the thing, the price was $635,000. In other words, a customer was brought in who, in good faith, made a bid, and did not have to write in and say, "Please send me one of the invitations to bid. I want to bid on the plant." The fact that he received, through some other source, one of the invitations to bid, does not imply any impropriety. I am sure my friend from North Carolina does not mean to convey the idea that there is anything improper about that.

Mr. HOEY. No; not at all.

Mr. WHERRY. Mr. President, several Senators are waiting to learn what the procedure will be——

Mr. TYDINGS. I shall be through in a couple of minutes.

Mr. WHERRY. I should like to ask the Senator from Maryland if he will yield so that I may submit a unanimous consent request that when the Senate meets tomorrow at noon it agree to vote at 1 o'clock the time to be divided equally between the proponents and opponents. I make that request so that the Senators will now know what to expect tomorrow.

The PRESIDING OFFICER (Mr. IVES in the chair). Is there objection to the request?

Mr. KEM. Mr. President, would it be proper to ask the Senator from Maryland to ascertain between now and the meeting of the Senate tomorrow whether the Columbia Metals Corp. was given an opportunity to buy the property at $752,000, and whether or not that company was mistreated in the transaction?

Mr. TYDINGS. I should have to answer that both "yes" and "no." I think the Senator from North Carolina covered the subject accurately. The company wanted two plants. Mr. Larson said, in effect, "If you let go of the Utah plant, you can have the plant in Oregon."

Mr. KEM. The Senator from North Carolina said he did not know whether there was a complaint or not.

Mr. TYDINGS. Let me put it to the Senator in this way. The bids were opened on the 17th of November. The award was made on the 4th of December. Between the 17th of November and the 4th of December, why could not the Columbia Metals Corp. be given a few days to contact its board of directors and ascertain whether the company wanted the plant?

Mr. KEM. Assuming that the Senator is correct as to the manner in which the case was conducted on the question of good faith, it seems important as to whether or not, first, the Columbia Metals Corp. was given on opportunity to bid $752,000, and, secondly, whether they are complaining as to the manner in which the matter was handled.

Mr. TYDINGS. I can give the Senator the answer to that. The Administrator, Mr. Larson, said to the Columbia Metals Corp., "Will you bid $752,000?" The president, I think it was, replied, "I cannot commit my company to a higher bid without having a meeting of my board of directors." We all know that a meeting of a board of directors of a company is not a difficult thing to have. All they would have had to do would have been to say, "You stand in the position where you are entitled to the first choice. Therefore go back to your board and tell me whether you want it or not." But Mr. Larson then said, "You also want the plant over in Oregon"—or Washington, I have forgotten which State it was in—"suppose we let you have that plant." And that, to a large extent, satisfied the Columbia Metals Corp., which was then in the position, if they said "No," of possibly not getting either plant. This thing is not quite as beautiful as it might look.

Mr. KEM. Will the Senator advise us tomorrow as to whether the Columbia Metals Corp. is complaining of the way in which the matter was handled?

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Nebraska that the Senate vote at 1 o'clock tomorrow?

Mr. BARKLEY. May I ask the Senator if that is a definite time for a vote, 1 o'clock, or not later than 1 o'clock?

Mr. WHERRY. At 1 o'clock.

The PRESIDING OFFICER. And the Chair understands the time is to be divided equally.

Mr. WHERRY. The time to be divided equally between the proponents and the opponents.

Mr. TYDINGS. If the Senate agrees to it.

The PRESIDING OFFICER. Is the Senator from Maryland objecting?

Mr. TYDINGS. I am not objecting.

The PRESIDING OFFICER. Without objection, the order is made.

The unanimous-consent agreement as reduced to writing is as follows:

Ordered, in executive session, that on the calendar day of Friday, May 14, 1948, at the hour of 1 o'clock p. m., the Senate proceed to vote without further debate upon the motion of the Senator from Maryland [Mr. TYDINGS] to recommit to the Committee on Expenditures in the Executive Departments the nomination of Jess Larson, of Oklahoma, to be War Assets Administrator; and that the time between 12 o'clock noon and 1 o'clock on said day be divided equally between those favoring the motion to recommit and those opposing the motion, and controlled, respectively, by the Senator from Maryland [Mr. TYDINGS] and the Senator from North Carolina [Mr. HOEY].

Mr. TYDINGS. Mr. President, Senators desire to go to their homes, and I shall surrender the floor at 5 minutes after 6, which is only about 4 minutes from now. There are one or two things I should like to clear up.

First of all, the point has been made that the American Potash & Chemical Corp. was not one of the bidders that had bid before. That has nothing to do with the matter. What has that to do with it? The fact is that they were there honestly, in conformity with the provisions of the invitation to bid, and were the highest bidder. That is the fact.

The second point is that the Columbia Metals Corp. was never given an opportunity to submit the proposition to its board of directors whether they would pay as much as Simplot said he would pay on the spot. Instead, they were offered a plant in a neighboring State, which induced them—there is no doubt about it, in my opinion—to let go of the Utah plant, because if they had said "No" they might have lost them both. That is simply plain, common sense.

I am sure Senators do not remember what I am about to read, because it was not read clearly the first time, but it has to do with one of the most important angles in this affair, if Senators want facts. The Department of Commerce recommended that the Columbia Metals Corp. be given this property because the Columbia Metals Corp. was going to make a product which was in scant supply, high priced, and which the economy of the country needed, while the Simplot Co. was going to make a product which was not in short supply, and which the economy of the country did not require. Therefore, in the interest of serving the general public, beating down prices, and in accordance with the law, the Department of Commerce recommended that the Columbia Metals Corp. be given this plant. They never had an opportunity to meet the $752,000 figure, and in my opinion they should not have been asked to meet it.

Mr. EASTLAND. Mr. President, will the Senator from Maryland yield?

Mr. TYDINGS. I yield.

Mr. EASTLAND. Did I understand the Senator to say that the Simplot Co., the successful bidder, was not going to make a product which the country needed?

Mr. TYDINGS. That is what the Department of Commerce said. Does the Senator want to hear it? I am trying to get it over to the Senate. What is the Simplot Co. going to manufacture?

Mr. EASTLAND. Fertilizer.

Mr. TYDINGS. What kind?

Mr. EASTLAND. Mixed fertilizer.

Mr. TYDINGS. What kind?

Mr. EASTLAND. Mixed fertilizer.

Mr. TYDINGS. What kind of fertilizer?

Mr. EASTLAND. Phosphate and nitrogen.

Mr. HOEY. Twelve-four; high grade.

Mr. EASTLAND. It is a product which is not only in short supply in the United States but it is in short supply in the world.

Mr. TYDINGS. Will the Senator permit me to read what the Department of Agriculture says about the products to be made by these two concerns? Will he listen to me?

The PRESIDING OFFICER. The Senator from Maryland has the floor.

Mr. TYDINGS. Will the Senator listen to me?

Mr. EASTLAND. Certainly I will listen to the Senator from Maryland, but, regardless of what the Senator says, it is a matter of common knowledge it was a question of filling a critical need of the country.

Mr. TYDINGS. If the Senator will compose himself and let his ears drink in the wisdom I am about to impart, I think I can convert him to my point of view. This is what they say:

The American Potash & Chemical Corp. and the Simplot Corp. propose to convert the Kalunite plant within 12 to 18 months, with considerable additional cash expenditure, to the production of phosphatic fertilizers, whereas the Columbia Metals Corp. proposes to convert this same plant within 60 days, at a relatively small additional capital expenditure, to the production of nitrogenous fertilizer—ammonium sulfate.

We have been informed by reliable authorities in the Department of Agriculture, the Department of Commerce, the Economic Subcommittee of the Senate Committee on National Resources, and by the House Select Committee on Foreign Aid, that there exists today an acute shortage of nitrogenous fertilizers for domestic and for foreign use, and that the shortage is destined to prevail for a number of years to come.

On the other hand, it is reported by the same sources that phosphatic and potassic fertilizers are virtually in balance with respect to supply and demand.

Thus the Columbia Metals Corp., was going to make a kind of fertilizer which was in great demand and in short supply, and the other two companies were

going to make a fertilizer of which there was no shortage.

Mr. EASTLAND. Mr. President, will the Senator yield?

Mr. TYDINGS. If the Senator will let me finish, because he has not gotten all of this.

Does the Senator think that the Department of Agriculture does not know its business? Does the Senator think that Department of Commerce does not know its business, that the Small Business Committee of the Senate does not know its business? They all back me up.

Mr. EASTLAND. The Senator is asking me a question. Will the Senator yield for a question?

Mr. TYDINGS. Yes, I yield.

Mr. EASTLAND. The Senator stated that the nitrogenous fertilizers which were needed badly at home and abroad were to be manufactured by one of the companies, but the proof shows that the fertilizer which was critically needed in the Northwest, in the area to be served by that plant, a mixture of nitrogenous fertilizer and phosphate, was to be manufactured there, something to serve the Northwest section of the United States, and not a product for export, which was as the Senator quoted from the statement of the Department of Agriculture.

Mr. TYDINGS. The Department of Agriculture does not know anything about it, the Department of Commerce does not know anything about it, the Small Business Committee of the Senate does not know anything about it, the Committee on the Economic Report does not know anything about it, and the Committee on National Resources of the Senate does not know anything about it, but the Senator from Mississippi knows all about it.

Mr. EASTLAND. It is an entirely different product.

Mr. TYDINGS. I know it is. That is what I am trying to point out to the Senator.

Mr. EASTLAND. No; what the Senator pointed out to the Senate was that there was a world-wide need for nitrates, and that the Department of Agriculture said it, and that is true.

Mr. TYDINGS. And the Columbia Metals Corp. is going to make it, and the other two concerns are not going to make it.

Mr. EASTLAND. But the Northwest did not need a nitrogenous product, but the fertilizer this company made, and the reason why they got the plant was because they were making a product for sale in that particular area and not for export over the world.

Mr. TYDINGS. Very well.

Mr. EASTLAND. I think the Senator's position is absolutely sound when he says there is a world-wide need for nitrate, as the Department says.

Mr. TYDINGS. There is a world-wide need for phosphates and bananas and cotton and everything else. But that is not what is involved here. What is involved is that the Columbia Metals Corp. was going to make a kind of fertilizer which is not being made or is not available in the Northwest, and the other two concerns were going to make a kind of fertilizer which is in reasonable supply in the Northwest.

Mr. EASTLAND. No; Mr. President——

Mr. TYDINGS. The report continues:

> Only one of the small plants proposes to manufacture ammonium sulfate, a nitrogenous fertilizer determined to be in acutely short supply; production would begin within 60 days. This small company offered $125,000 more than the highest previous bid, $25,000 over the estimated fair value fixed by WAA, and the higher bid of the two small companies now under consideration. This small company proposes to utilize this plant to effect a saving (at least $10 per ton) upon their present production costs, which saving they pledge will be reflected immediately in their sale price of ammonium sulfate from this point.

In other words, the Department of Agriculture, the Department of Commerce, the Small Business Committee of the Senate, and the Committee on National Resources all say that we need the kind of fertilizer that only Columbia Metals Corp. was going to make, and while we need the kinds of fertilizer the other two companies were going to make, the latter kind of fertilizer is in substantially adequate supply.

Mr. EASTLAND. Will the Senator yield to me for a moment more and then I am through?

Mr. TYDINGS. Yes. But the Senator ought to state the facts without smiling each question away. He is not stating anything by way of refutation of what I have said.

Mr. EASTLAND. The Senator spoke of a company which makes a nitrogenous fertilizer. A purely nitrogenous fertilizer was a product not in wide use, not in wide demand in the Northwest. It was a mixed fertilizer that was in great demand there, and that was the need which the Columbia Metals Corp. would fill. I have no interest in this matter.

Mr. TYDINGS. Mr. President, I wish to conclude, and then I shall yield the floor.

Mr. President, it is perfectly obvious to me that most Senators are agreed that there is something to be desired about this transaction. I do not think anyone is going to rise and say that there is not something to be desired about it. I have tried to present the facts. It is no skin off my knuckles whether the nomination of Mr. Larson is confirmed or whether it is rejected. I have produced here facts. They have been brought to me in my position as Senator, and I have presented them to the Senate. I do not care whether Mr. Larson's nomination is confirmed or not. Personally I am not going to vote for the confirmation of his nomination. I will probably be the only Member of the Senate who will not do so. But it is a pretty small government that tells its citizens that they can rely upon certain mechanics surrounding an invitation to bid, and then violates those mechanics, and instead of dealing only with the highest bidder gives the lowest bidder the chance to buy a piece of property.

Mr. WHERRY. Mr. President, does the Senator still want his motion to recommit to stand?

Mr. TYDINGS. Yes. The motion is to recommit. Before the motion is put I wish to make a statement. I am perfectly willing to submit the matter without argument. I do not think that any Member of the Senate is going to be influenced by what takes place tomorrow. I think there is much in the testimony that ought to be presented in a court of law if we were going to try the case in court, which cannot be presented in the rough-and-tumble hearings here. I was only trying to bring out the high points. But sufficient has been presented to indicate that all is not as it should be. I am willing to have the question decided as soon as the Senate meets tomorrow at noon, because I believe no Senator is going to be influenced one way or the other by any further debate.

Mr. WHERRY. Mr. President, I feel that inasmuch as the unanimous-consent agreement has been entered into we had better leave it stand as it is.

Mr. TYDINGS. Very well.

The PRESIDING OFFICER. The unanimous-consent agreement which has been entered into is that a vote shall be taken on the motion of the Senator from Maryland [Mr. TYDINGS] tomorrow at 1 o'clock.

Mr. WHERRY. Mr. President, will the Chair state the business which is now pending before the Senate?

The PRESIDING OFFICER. The pending business is that which the Chair has just stated; the vote on the motion of the Senator from Maryland to recommit the nomination, which is to be taken at 1 o'clock tomorrow.

Mr. WHERRY. Mr. President, will the Senator state what the business of the Senate will be following the vote on that motion.

The PRESIDING OFFICER. After the vote is taken at 1 o'clock tomorrow, if the nomination is not recommitted, the nomination of Mr. Larson will be before the Senate for action, after which the other nomination on the Executive Calendar will be in order.

RECESS

Mr. WHERRY. So that the Senate may be advised, I wish to state that when the Senate recesses today it will recess in executive session, and at 1 o'clock tomorrow the vote will be taken on the motion of the Senator from Maryland, after which the remaining business on the Executive Calendar will be taken up. If the motion of the Senator from Maryland is not agreed to, the question will be on the confirmation of the nomination of Mr. Larson and the other nomination on the calendar, after which the Senate will revert to legislative session, and the unfinished legislative business will be resumed, which is the civil functions appropriation bill.

I now move that the Senate take a recess until tomorrow, Friday, at noon.

The motion was agreed to; and (at 6 o'clock and 17 minutes p. m., the Senate took a recess until tomorrow, Friday, May 14, 1948, at 12 o'clock noon.

NOMINATIONS

Executive nominations received by the Senate May 13 (legislative day of May 10), 1948:

NATIONAL ARCHIVES

Wayne C. Grover, of Utah, to be Archivist of the United States.

UNITED STATES MARSHAL

Roulhac Gewin, of Alabama, to be United States marshal for the southern district of Alabama. (Mr. Gewin is now serving in this office under an appointment which expired March 24, 1948.)

IN THE MARINE CORPS

The following-named officer to be a lieutenant colonel in the Regular Marine Corps:

Robert C. Burns

The following-named officer to be a first lieutenant in the Regular Marine Corps:

William E. Bonds

The following-named officers to be second lieutenants in the Regular Marine Corps:

Edward R. Carney	Jack L. Reed
Joseph L. Davis	William J. Schreier
Raymond J. Elledge	Donald R. Segner
Robert E. Hill	George F. Thayer
Herbert W. Johnson	Chester E. Tucker
Elmer H. Keshka	Henry M. Walter, Jr.
Chester J. Krist	William J. White
William H. Macklin	Robert C. Whitebread
Robert T. Miller	

WITHDRAWAL

Executive nomination withdrawn from the Senate May 13 (legislative day of May 10), 1948:

POSTMASTER

Mr. Alvah P. Saulpaugh to be postmaster at Red Hook, in the State of New York.

HOUSE OF REPRESENTATIVES

THURSDAY, MAY 13, 1948

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our ever-living God, to whom we are indebted for all things, grant unto us a clear conception of the best and highest in public and private life. May we earnestly strive to measure up to the principles of the greatest Teacher of men.

Guide our Speaker and the Congress with the spirit of wisdom; help us to be careful of our words as of our actions, and as far from speaking ill as from doing ill. Through these critical times, make us solemnly aware of the challenge that tyranny abroad can be mastered only by a glorious sense of freedom at home, with the whole range of our country as our field of service. In the Master's name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EXTENSION OF REMARKS

Mr. SMITH of Wisconsin asked and was granted permission to extend his remarks in the Appendix of the RECORD in two instances and include two addresses.

Mr. PATTERSON asked and was granted permission to extend his remarks in the RECORD and include an article from the Bridgeport (Conn.) Sunday Herald of Sunday, May 2.

Mr. TWYMAN asked and was granted permission to extend his remarks in the Appendix of the RECORD and include an editorial.

Mr. MALONEY asked and was granted permission to extend his remarks in the RECORD and include a statement.

CEREBRAL PALSY

Mr. MUHLENBERG. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. MUHLENBERG]?

There was no objection.

Mr. MUHLENBERG. Mr. Speaker, yesterday I introduced a bill to amend the Public Health Service Act to provide for research and investigation with respect to the cause, prevention, and treatment of cerebral palsy, and for other purposes. Cerebral palsy, often known as spastic paralysis, is a form of the disease under which there is a tightening of muscles often so severe as to lock the muscles in cramp and prevent normal reaction. It may affect one side only, or one limb, or may affect all extremities. It often affects tongue and throat muscles, causing speech impediment. Mentality, however, remains normal, as is usual in all paralysis cases.

It is due largely to the publicity attendant on the Warm Springs Foundation that this heretofore neglected phase of life of the handicapped has become of general interest because that foundation, while investigating and tremendously helping cases of infantile paralysis, has found it must use all its resources on that work and cannot approach the question of research in or aid to the cerebral palsy handicapped. These thus remain without help. It is a problem truly national in scope and needing national contribution in both money and talent, and it is for this purpose that the bill is presented.

Recently the Washington papers have called attention to the great necessity for treatment of these cases, and it is tied locally to the work of the Crippled Children's Society in Washington, which has done a splendid job under great limitations of equipment and personnel. Also in Washington we have the Goodwill Industries, which has done a fine piece of work in assisting those handicapped by cerebral palsy together with those having other handicaps; but all these local efforts depend so much on the enthusiasm of a single person and can do so little with their limited financial resources that I am convinced that their efforts should be united in work on a national scale, aided by proper equipment and guided by those too few outstanding specialists who have made this study a life work. Almost all the patients can be physically reeducated to a useful position in life, and the relatively small sums which will be used for research would be repaid to the citizens of the United States many times over by the rehabilitation of these presently neglected handicapped persons and by the contribution of their intellectual attainments to the success of our society. I ask your serious consideration and support of the purposes of the bill.

I append hereto a statement about the purpose of the bill made by Mr. Paul A. Strachan, president of the Association of the Physically Handicapped:

STATEMENT OF PAUL A. STRACHAN, PRESIDENT, AMERICAN FEDERATION OF THE PHYSICALLY HANDICAPPED, INC.

We have seen for many years the indubitable necessity for special treatment and training of those afflicted by cerebral palsy. Hundreds of cases have come to our attention, and the consensus is that medical science and methods of education have only comparatively recently made headway in this field.

There are three primary phases of importance. Medical treatment, including therapy, education and training of the individual, and education of the general public. Of equal importance is special training for parents of cerebral-palsied children. We have seen all too many instances where the parents, following the false and often dangerous trail of "carrying the child on a pillow," have completely ruined any chance of inculcating in that child the self-determination, reliance, and energy to carry out a program of attainment of physical and professional proficiency.

One great difficulty, also, is public discrimination against employment of cerebral palsied. The average employer evidently feels that a cerebral-palsied person is, as a rule, both incapable and unreliable, and is, therefore, a bad employment risk.

We have made and are making strenuous efforts to overcome this unfavorable condition, but we fully realize that until some universal standard of treatment and training is applied, the cerebral palsied will lack the means needed to benefit and fit themselves for public work.

Therefore, in preparing this bill, we were mindful of the necessity for adequate medical treatment as a prerequisite, and we consulted the most eminent specialists in the field of cerebral palsy to ascertain their views. We believe the bill, therefore, represents a fair composite of opinion of such specialists. We also consulted the organizations of cerebral palsied (spastics) because we know that no one can better understand the difficulties attendant upon this affliction than those who suffer from it themselves.

We know this measure to be necessary to the welfare of hundreds of thousands of our citizens, and we therefore urge early and favorable action by the Congress, as well as all organizations, groups, and individuals at interest, to bring it to speedy and effective operation.

A DRAFT OF ONE IN TEN

Mr. TWYMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection to the request of the gentleman from Illinois [Mr. TWYMAN]?

There was no objection.

Mr. TWYMAN. Mr. Speaker, I desire to quote the following editorial which appeared in the Chicago Daily Tribune on Wednesday, May 12:

A DRAFT OF ONE IN TEN

It isn't easy to know just how many additional men the draft is expected to furnish to the Army, Navy, and Air Service. The other day somebody was talking about 700,000. A few weeks ago the figure was 200,000. A Senate committee on Friday adopted 350,000 as its goal.

The disparity in these figures suggests, first of all, that Mr. Forrestal and his colleagues aren't being candid. Once they get authorization for the draft they can be expected to use it for all it is worth. Their aim is an enormous standing Army, big enough to provide all the good jobs and all the power

that an officer class can desire. When the principle of peacetime conscription has been approved, the militarists will produce the crisis or crises that will seem to justify increasing the levies and keeping them high.

Certainly if the need is for no more than a few hundred thousand men, the draft is an absurdity. Conscription can be defended as practical when the Nation wishes to put millions of men in uniform. At such times every sound young man whose services are not urgently required elsewhere is taken. The draft that the militarists are talking about now would take perhaps one young man in ten after all those in his age group who are disqualified for mental and physical deficiencies and all other valid reasons have been eliminated.

Nobody can make that kind of a draft anything but a scandal. With one in ten to be accepted, all kinds of influence would be brought to bear on the draft boards. Favoritism among prospective conscripts was not wholly avoided even in wartime when there was much less opportunity for sharp practice, when most young men were eager to play their part, and when it was relatively easy to obtain men of the highest character to serve on draft boards. In the contemplated draft none of these circumstances would obtain.

The militarists in Washington know this. If they are not alarmed at the prospect, it is because they do not intend this to be a draft of 1 in 10. They are out for a huge conscript army. Some of them have the grandiose notion that with such a force they can boss the world. Certainly with such an army, they won't stay out of any war anywhere in the world; and certainly with such an army, they will destroy the Republic as other republics have been destroyed by military adventurers in other lands.

Actually, there is no need at this time to consider peacetime conscription. The Army Air Force, the Navy, and Marine Corps are having no difficulty in maintaining their complements of enlisted personnel. The Army Ground Forces would have no difficulty either if they would permit voluntary enlistments on the same basis as is contemplated by the proposed selective-service legislation.

EXTENSION OF REMARKS

Mr. SEELY-BROWN and Mr. MILLER of Maryland asked and were given permission to extend their remarks in the Appendix of the RECORD.

EUROPEAN AID

Mr. SCHWABE of Missouri. Mr. Speaker, I ask unanimous consent to extend my own remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. SCHWABE of Missouri. Mr. Speaker, on June 5, 1947, Secretary George C. Marshall asked the European nations to tell us how much help they felt they should have from American taxpayers. Since that time there have been many commissions and committees appointed both here and abroad to study and report on the various phases of this program.

The participating European nations met in Paris and on September 22 last year submitted a program to Mr. Marshall. Since that time various arms of the executive branch have put the program through the wringer and have come out with reports and propaganda urging the need for putting the program through not later than April 1. The Congress performed as directed and ERP became law on April third. It, therefore, came as somewhat of a shock to me to read in the New York Herald Tribune of May 6 that the Chairman of our Appropriations Committee, the gentleman from New York, the Honorable JOHN TABER, had said that he would be unable to make a report on ERP appropriations for another 2 weeks and that the delay was due to the fact that the newly organized ECA was not able to present the facts needed by the committee as rapidly as had been expected. This certainly indicates to me, and I think to any reasonable person, that the program was rushed through without sufficient study.

As this act passed the Congress it authorized the expenditure of $6,098,000,000 in 1 year. This is more money than any Republican administration has ever spent in the same period on the administration of the entire government of the United States. It certainly deserves as much study as the entire budget did back in the days when Congress devoted most of its time to the careful study of appropriation bills.

I am happy to see that the gentleman from New York [Mr. TABER] and his colleagues on the Appropriations Committee are demanding the essential facts before giving any further approval. It is heartening to know that this committee is no rubber stamp. Americans should be fully grateful.

We would do well to remember this experience the next time we are asked to rush through legislation without the necessary facts before us.

NORTHPORT IRRIGATION DISTRICT, NEBRASKA

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 6067) authorizing the execution of an amendatory repayment contract with the Northport irrigation district, and for other purposes, with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 3, after "Interior", insert "upon finding specifically that existing repayment contracts between the United States and the Northport irrigation district cannot reasonably be carried out by the said district."

Page 1, line 5, strike out "existing" and insert "such."

Page 1, line 6 and 7, strike out "between the United States and the Northport irrigation district."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RICH. Mr. Speaker, reserving the right to object, the Senate added an amendment to the effect "unless it can reasonably be paid back." What is meant by that?

Mr. CRAWFORD. The gentleman has just heard the amendment read. This amendment reads:

Upon finding specifically that existing repayment contracts between the United States and the Northport irrigation district cannot reasonably be carried by the said district.

It means that where the situation has arisen wherein the time of payment needs to be extended the finding must be made that they cannot meet it within the agreed time.

Mr. RICH. If for any reason at any particular time they are not able to pay it, is that a loophole so that they can forgive all the payments?

Mr. CRAWFORD. No, it is not, I may say to the gentleman from Pennsylvania. This has to do with a specific Northport irrigation district where the terms are such that they do need some additional time. The gentleman from Nebraska [Mr. MILLER] is familiar with the subject and interested in it.

Mr. MILLER of Nebraska. Mr. Speaker, will the gentleman yield?

Mr. CRAWFORD. I yield.

Mr. MILLER of Nebraska. I might say that under any of the irrigation bills that are passed here the Secreary of the Interior and Bureau of Reclamation are always given a certain amount of authority in adjusting contracts.

In this irrigation district in western Nebraska, four districts are involved, the oldest irrigation districts in the United States. The four districts have had some seepage and needed adjustment in some minor things. The four districts and the Bureau of Reclamation got together and are unanimous on this.

It is merely one of those adjustment contracts and this amendment placed in the bill by the other body bases it on "reasonable prospect of repayment." They must be given some leeway to meet emergencies that come up.

Mr. RICH. It is not then in any way an amendment that foregoes payment or an intent on the part of the people to consider this a loophole through which they can get out of payment?

Mr. MILLER of Nebraska. Not at all.

Mr. RICH. Then I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were agreed to.

A motion to reconsider was laid on the table.

BOULDER CITY, NEV.

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 4966) directing the Secretary of the Interior to sell and lease certain houses, apartments, and lands in Boulder City, Nev., with Senate amendments, and agree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 10, strike out "the" and insert "a."

Page 1, line 11, strike "it" and insert "one."

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5669) to provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Page 11, line 10, strike out all after "reimbursable" down to and including "Act" in line 13.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. RICH. Mr. Speaker, reserving the right to object, may I ask the gentleman if this is the same kind of an amendment as that offered on the previous bill?

Mr. CRAWFORD. No; I would not say so. This has to do with a different type of operation. This provision stricken out of the House bill, that it is not the intent of this act to settle any claim said tribes may have, and so forth, is a little different.

Mr. RICH. The gentleman is looking after repayment of these funds into the Treasury?

Mr. CRAWFORD. That is correct.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PREVENTION AND TREATMENT OF CEREBRAL PALSY

Mr. CELLER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CELLER. Mr. Speaker, there has been introduced a resolution by our distinguished colleague the gentleman from Pennsylvania [Mr. MUHLENBERG] to amend the Public Health Service Act and provide for research and investigation with respect to the cause, prevention, and treatment of cerebral palsy, and for other purposes.

Only those who have had in their family anyone afflicted with this dread disease can fully appreciate the import of this resolution. There are many in this country who bear their cross as a result of the travail and the suffering caused their loved ones by cerebral palsy. Little attention in general has been given to those afflicted. Too often the malady is caused by inadequate care at childbirth and by inexpert medical service. Proper research and investigation will undoubtedly tend to prevent in appreciable degree the mistakes and faulty service that bring such misfortune to the people.

It is hoped that the committee in charge of this resolution will be most expeditious in giving it consideration. It will redound to the great benefit of those who are afflicted and also redound to the health and well-being of the country as a whole.

ECONOMIC RECOVERY PROGRAM

Mr. PHILLIPS of California. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. PHILLIPS of California. Mr. Speaker, when the State Department came on Capitol Hill with its so-called economic recovery program, it brought along a document entitled "Commodity Requirements of European Recovery and the Cost of United States Assistance." This document later appeared in a committee print, Outline of European Recovery Program, which I hold in my hand. I read from page 105:

It is extremely difficult to estimate the contribution which the Western Hemisphere countries other than the United States can reasonably be expected to make to the financing of the dollar deficit of the participating countries during the first 15 months of the program. Having regard to all the circumstances it doesn't seem inappropriate to expect that these countries will be able to finance at least $700,000,000 of the participating countries' deficit with them.

The clear implication of this statement was that the success of the program depends upon other Western Hemisphere countries contributing $700,000,000 to the common cause.

When Secretary Marshall and Ambassador Douglas appeared before the Senate Foreign Relations Committee, the Committee members were unable to get any assurance this sum would be furnished by the other countries. Mr. Speaker, since this $700,000,000 is needed for the success of ERP and since it does not seem to be forthcoming it is entirely possible, even probable, that we may be asked to supply it in addition to the amounts already requested.

The Bogota Conference is now over and I have seen no public announcement of any ERP contributions by other American countries. In fact, our Secretary of State told this conference on April 1, 1948, with what authority I do not know, that our "Government is prepared to increase the scale of assistance it has been giving to the economic development of the American Republics." I hope the members of the Appropriations Committee will look into this matter so they can report to us what likelihood there is of other countries joining this cooperative program or if we are later going to be asked to supply another $700,000,000 and then perhaps a few billions more for the "economic development of the American Republics." We certainly should have this information before we vote on further appropriations.

EXTENSION OF REMARKS

Mr. GILLIE asked and was given permission to extend his remarks in the RECORD and include an article entitled "Farm Land Prices Continue Uptrend" appearing in the journal of the American Bankers Association.

Mr. BUCK asked and was given permission to extend his remarks in the RECORD and include a letter.

Mr. HAND asked and was given permission to extend his remarks in the RECORD in two instances.

Mr. TOLLEFSON asked and was given permission to extend his remarks in the RECORD.

Mr. O'HARA. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a statement by Hon. James F. Hoge, of the New York bar. I am informed by the Public Printer that this will exceed two pages of the RECORD and will cost $301.75, but I ask that it be printed notwithstanding that fact.

The SPEAKER. Without objection, notwithstanding the cost, the extension may be made.

There was no objection.

Mr. MACKINNON asked and was given permission to extend his remarks in the RECORD and include extracts from the work of Edwin S. Corwin entitled "The President—Office and Powers."

Mr. MURRAY of Wisconsin asked and was given permission to extend his remarks in the RECORD in two instances; to include in one an editorial, and in the other an article from the State Department.

Mr. CHURCH. Mr. Speaker, I ask unanimous consent to revise and extend the remarks I expect to make in Committee of the Whole and include therein an article by James Doherty appearing in the Chicago Tribune.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

SPECIAL ORDER GRANTED

Mr. ANGELL. Mr. Speaker, I ask unanimous consent that today, following any special orders heretofore entered, I may be permitted to address the House for 15 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Oregon?

There was no objection.

UNNECESSARY WASTE OF GRAIN AND GRAIN PRODUCTS

Mr. BUCK. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BUCK. Mr. Speaker, on January 12, 1948, I brought to the attention of the membership of the House an annual loss of approximately 600,000,000 loaves of bread resulting from consignment selling by the baking industry. I urged that the practice be curbed by voluntary agreement under Public Law 395.

Efforts to effect such agreement in the industry have failed. Yesterday I introduced legislation to call a halt to this

improvident practice. This shocking waste of wheat and flour, at a time when the American public is being asked to conserve food and peoples abroad are in dire want, is inexcusable. The remedial legislation, applicable to the entire industry, will merely accomplish the result which should have been achieved by voluntary agreement.

Mr. Speaker, I append an editorial from the New York World-Telegram entitled "Why Waste 600,000,000 Loaves?"

WHY WASTE 600,000,000 LOAVES?

In its zeal and zest to promote food saving, particularly the conservation of grain to send to Europe, the Department of Agriculture is printing millions of cookbooks to be supplied free to all American housewives who will merely take the trouble to write their names and addresses on postcards and mail them to Food Conservation, Washington 25, D. C.

These cookbooks, which tell how to make potatoburgers, eggaroni, and like unappetizing, dreary-sounding food-savers, will cost the Government $20,000 per million to print.

Yet, Secretary of Agriculture Clinton P. Anderson, who is so keen to have American housewives conserve grain for overseas, hasn't even yet stopped the huge annual waste of more than 600,000,000 loaves of bread through the baking industry practice of consignment selling.

This practice means that the wholesale baker, after delivering to retail grocers and restaurants more bread than they can possibly hope to sell, takes back the unsold stale loaves.

Earlier this year Representative ELLSWORTH B. BUCK, of Staten Island, tried hard to interest Congress in this enormous bread waste. Attempts to get from members of the American Bakers Association voluntary agreements to end consignment selling were met by excuses based on competitive difficulties, also professed fear of violation of the antitrust laws.

This, despite assurances from Attorney General Tom Clark that the Department of Justice would take no such action in the case of industrial agreements to further grain conservation.

If saving grain is still so important and imperative, why doesn't the Secretary of Agriculture now take prompt and drastic action to stop, as was done during the war, all consignment selling of bread? It would end the continued shocking waste of 600,000,000 loaves of bread a year, cost the Government far less than its lavish distribution of free cookbooks, and, at least, share the duty to save with the housewife.

"THERE HAVE BEEN DIFFICULTIES TO USE THE MONEY"

Mr. HUGH D. SCOTT, JR. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. HUGH D. SCOTT, JR. Mr. Speaker, Government agencies are constantly harassed by the fear that they will have to return unexpended appropriations to the taxpayers. Overseas they catch on quickly. An article appearing in a Danish paper, published in Copenhagen, translated for me by the Library of Congress, says:

Purchase of new scientific apparatuses and instruments is considered as a part of Denmark's reconstruction, and therefore they will come under the $40,000,000 loan which Denmark has got from the International Bank.

Their scientific research board has gathered opinions from all of the technical and scientific laboratories (official), and altogether desires purchases of 2,200,000 crowns.

The Ministry of Education has proposed to the finance committee that this amount will be used, and it will certainly not encounter any difficulties, as it is well known that there have been difficulties to use the money, and the loan has to be used by the end of 1948.

Mr. Speaker, this sort of thing is becoming infectious.

CONGRESSIONAL SUBPENA POWERS

Mr. MACKINNON. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. MACKINNON. Mr. Speaker, the very interesting debate of yesterday on the duty of governmental bureaus to furnish information on public matters to Congress was so affected by the interests of those who, on the one side, would prohibit full disclosure, and, on the other side, those who would expose the transactions and activities of the Pauleys, Condons, and pardoned criminals, and the connection of public officials with those instances that it is hard for the public to know whether the executive department should, under the law, furnish the information. On this point I quote Edwin S. Corwin, the outstanding legal writer, and I quote from page 281 of his great work, The President—Office and Powers, New York University Press:

Nevertheless, should a congressional investigating committee issue a subpena duces tecum to a Cabinet officer ordering him to appear with certain adequately specified documents, and should he fail to do so, I see no reason why he might not be proceeded against for contempt of the house which sponsored the inquiry. And the President's power of pardon, if measured by that on the King of England, does not extend to contempts of the Houses of Congress.

Also on this question, article II, section 3, United States Constitution states the President "shall from time to time give to the Congress information of the State of the Union."

The use of the word "shall" places a duty on the President. Is this to be construed so as to permit the President to evade the duty by giving only such information as is beneficial to him and to refuse to give information that the Congress specifically requests. This particular section of the Constitution has never in practice been given its proper recognition but, in connection with another provision, this language may finally prove to require even the President to respond to subpenas.

CONGRESSIONAL POWER TO IMPEACH OFFICERS

The other constitutional provision I refer to is article I, section 2, which states the House of Representatives "shall have the sole power of impeachment."

That gives the House the power to act as the grand inquest of the Nation. With that power, the Congress is duty bound to see that the actions of all officers of the executive department and particularly the Cabinet officers and the President, conform to the law of the land. How can Congress execute this duty conferred upon it if the executive branch—and particularly the top officers—can refuse to furnish evidence from official Government files that would embarass them and might show they should be impeached?

EXTENSION OF REMARKS

Mr. LUDLOW asked and was given permission to extend his remarks in the RECORD.

Mr. HUBER asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. REED of New York asked and was given permission to extend his remarks in the RECORD in two instances and include extraneous matter.

Mr. MULTER asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. CANNON asked and was given permission to include in the remarks he expects to make in the Committee of the Whole today certain excerpts from speeches he previously made on the floor in this session.

RACING SHELLS

Mr. REED of New York submitted a conference report and statement on the bill (H. R. 5933) to permit the temporary free importation of racing shells.

H. C. BIERING

Mr. FOOTE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 1308) for the relief of H. C. Biering, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 6, strike out "acting" and insert "for his own acount and."

Page 1, line 8, strike out "$11,212.05" and insert "$7,057.96."

Page 1, line 9, strike out all after "Biering" over to and including "fact" in line 3, page 2, and insert "and said E. A. M. Biering against the United States for expenses necessarily incurred in contesting the erroneous issuance by the Alien Property Custodian on October 11, 1943, of vesting order numbered 2392, which resulted in the seizure of $67,066.55 from said H. C. Biering, acting as attorney in fact for said E. A. M. Biering, and in securing the return of the sum so seized."

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE BRANCH APPROPRIATION BILL, 1949

Mr. JOHNSON of Indiana. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H. R. 6500)

making appropriations for the legislative branch for the fiscal year ending June 30, 1949, and for other purposes; and pending that motion, Mr. Speaker, I should like to make an agreement with the gentleman from Missouri as to time for general debate.

Mr. CANNON. I think we can get along on this side with an hour and a half. I hope we shall not have to consume that much time, but I have requests that would indicate we might need that much time.

Mr. JOHNSON of Indiana. Would the gentleman cut that down to an hour?

Mr. CANNON. We will make every effort to hold down the debate on this side.

Mr. JOHNSON of Indiana. Could we agree on 2 hours, an hour on a side?

Mr. CANNON. Mr. Speaker, I think that is running a little close on a major appropriation bill, but I am always glad to agree with the gentleman from Indiana. So we will accept an hour on our side.

Mr. JOHNSON of Indiana. Then, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentlemen from Missouri [Mr. CANNON] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H. R. 6500, with Mr. HOEVEN in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. JOHNSON of Indiana. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, as usual in considering this bill, the committee took no action regarding the items of the Senate, and the bill is written as the budget came to us so far as the Senate items are concerned. With reference to the House, we made very few changes from what the bill was last year. Wherever possible we made reductions. We show a total reduction in the bill of some 8.3 percent. The bill provides the fund which was started in the deficiency bill for additional telephone operators so as to make it possible for each Member to have two telephones which were badly needed and which I do not believe can be called at all extravagant. The fact of the matter is that the officers of the House have been very economical. In many instances the amounts provided for them by law and appropriated for them have not all been expended. They have been turning part of the money back. That applies both to the majority and minority officers of the House. There is one matter that has been called to our attention, and which we have thought a good deal about, although we did not do anything about it in this bill this year. I am inclined to think, however, that we probably should do something next year. As the Members know, the other body provides automobiles for the majority and minority leaders. The House of Representatives has never done that. Here the majority and minority leaders have as much or more use for an automobile in the discharge of their official duties and in accordance with the position that they hold than those of the Senate. As I say, while we did not take any action on it this year, I think it might have been well if we had, and it should be considered seriously next year.

The appropriation for the Capitol buildings has been increased to make some repairs which were needed; $49,000 have been appropriated to paint the dome, and other parts of the building, the architect of the Capitol claiming that they should be painted at least every 4 years and that if that is not done this year they would badly deteriorate and it would cost much more to repair the damage.

There is an increase in the Capitol power plant. One of them is due to the increase in the cost of fuel, in other words, coal. The other increases are because of needed repairs. The power plant, of course, is a big institution, and we have held those repairs to what we consider a minimum consistent with efficiency to permit them to do the work that they are supposed to do to provide the necessary power.

The Copyright Office of the Library of Congress has received an increase. It is not as large an increase as was requested, but I believe it is such as will allow them to get along and give better service this year. By next year we will be able to tell how much money is brought into the Copyright Office as a result of the increase in copyright fees provided in a bill recently passed and signed by the President. At that time we will be able to determine, I believe, the expenditures that the Copyright Office needs in order to perform their functions. Taking it all in all, the bill is not changed a great deal from last year. The Library of Congress asked for numerous increases, the restoration of all cuts made in 1948, and for many additional jobs. The committee did not see fit to grant any of them. What increases are shown are the result of the automatic pay raises under the Ramspect Act and such other legislation. As long as we have those automatic pay raises and provide the same number of employees for the various institutions, there will always have to be an increase in appropriations to take care of those pay raises. In some instances we thought some of those pay raises should be absorbed, and did not allow the full amount.

Mr. RICH. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Indiana. I yield.

Mr. RICH. Was it possible, in reviewing the departments, that you might be able to cut down on some of the employees and thus save some of the funds that were paid to others because of the recent legislation? Did you make any saving in that respect?

Mr. JOHNSON of Indiana. I think there is great possibility of that being accomplished if we can get the facts upon which to base our actions in making the cuts. As you probably know, it is the most difficult thing to get any of the agencies that appear before the Appropriations Committee to admit that they have anything that they do not absolutely require. It is a most difficult thing. I think it shows the need of a really true investigation as to the absolute needs.

There is a matter that I shall call attention to in a few minutes, which I think demonstrates the fact very well.

Mr. RICH. When Mr. Woodrum, of Virginia, was a member of the committee, he recommended that each subcommittee have an official representative for that subcommittee, which would cost probably eight or ten thousand dollars a year, but figuring that if they could go to those departments and make an investigation, they could then inform the subcommittee and it would result in a great saving. I have always advocated that on the part of economy, because they could give you the information that you are unable to get.

Mr. JOHNSON of Indiana. The subcommittee has its investigators. However, those investigators did not proceed far enough to give us the reports containing anything of value at this time. We hope to have it in good form by next year.

Now, referring to the matter of funds, I think the membership would be very interested in a matter that was called to my attention. During the course of the hearings this matter was gone into. It was called to my attention, and I just wonder if it does not illustrate what the departments do to Congress and to the American taxpayers.

I have a series of pictures here, just a few dozen that came out of what is purported to be 100,000 or 150,000 photographs, taken by the same agency, and now kept in the Library of Congress. The Library of Congress did not take these photographs. That cannot be charged to them, although the Library is preserving them. They were taken by the Federal Farm Security Agency, in the Department of Agriculture.

The first pictures were taken in 1935, and they run through 1943. Some of these pictures were taken while our country was in war and when we were begging the American people to save and buy bonds so that we could have the money to whip the Germans and the Japs; while photographic supplies were in such short demand that the ordinary citizen could not buy them. I know some of my friends, who have small children, wanted to keep a series of pictures of the children each month or each six months, as they grew up, but they could not buy the supplies. They could not get the film and they could not get the paper. But somehow or other, the Federal Farm Security Agency got all they wanted.

All of these pictures were not taken by the Farm Security Agency, however. Some were taken by the Office of War Information. I want to call your attention to them and I want to ask any Member of the House who serves on the Appropriations Committee if it was ever presented to them by the Office of War Information or the Farm Security Administration that they were spending money to take pictures of this kind.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. JOHNSON of Indiana. Mr. Chairman, I yield myself 10 additional minutes.

I want you to take a good look at these pictures. Here is the first one taken in Baltimore, Md., in April 1943. This is war-information negative 2208–E. The photographer was Marjorie Collins. The title is "Getting Off a Trolley."

Of what value is it? And that was in 1943. I wonder how much they paid the photographers in traveling over the country? We have pictures here from all sections of the country. How much was their expense? What was their salary? What kind of organizational set-up did they have? Did they have a director and superintendent and staffs and stenographers and such?

Mr. CANFIELD. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Indiana. I yield.

Mr. CANFIELD. Will the gentleman restate to the committee how many of these photographs were taken in 1943 and 1944?

Mr. JOHNSON of Indiana. I cannot tell the number from 1943 and 1944 but the information as I recall is that there are some 150,000 pictures and I understand there are still 137 file cases over here in the Library of Congress filled with these pictures.

Now here is a very good one taken in front of the Security Administration in Washington, D. C., in 1942. The photographer was John Farrell. The title is "Construction of Temporary War Emergency Building on the Mall Near Sixteenth and Seventeenth Street Northwest." That is fine. Now the title of the picture is Pile of Bricks. And that is the only thing shown, a pile of bricks. I want you to take a good look at these.

The next one was taken in Danville, Vt. The photographer was Fritz Henley. The title is "Mr. Hastings in His General Store Taking an Order Over the Telephone." Most illuminating and I know of great value to the country.

But here is one taken at Grand Lake, Nebr., in June 1939, by Dorothea Lang, entitled "The Challenger." It shows a railroad train.

Mr. PHILLIPS of California. Mr. Chairman, will the gentleman yield briefly?

Mr. JOHNSON of Indiana. I yield.

Mr. PHILLIPS of California. I think the gentleman is wrong to criticize these. If the Federal housing shortage continues there will be a lot of people in the near future who would like to look at a pile of bricks; and if inflation continues at the present rate there will be a lot of people who would like to see a man taking an order over the phone in the general store.

Mr. JOHNSON of Indiana. Here is one taken in Eufaula, Okla., photographed by Russell Lee. The title is "Oil Cans at the Side of a Filling Station." It shows a large number of empty oil cans piled up.

Here is another taken down in Texas in 1933: "Farmers sitting against the wall."

And here is a wonderful one from Washington, D. C.: "Farm Security Administration." I wonder what this has to do with farms and farm security. The title of this one is "People in Streetcar."

And here is a wonderful one. The title of this is "A Sign." It was taken at Crowley, La., and is a picture of a Coca-Cola sign. The photograph was taken by Russell Lee.

Here is another one, "Man sitting in front of store," taken at Craigsville, Minn.—a wonderful thing.

Here is one taken in Washington, D. C. The title is "A Woman, Probably a Government Clerk, Waiting for Streetcar on a Rainy Day, Probably Near the United States Bureau of Engraving." He did not even know, apparently, where he had taken the picture.

Here is another from Washington: "Three women, probably Government clerks, waiting for a bus on a fall afternoon."

Here is another: "Washington, D. C., August, 1942: Waiting for the streetcar at Seventh and Florida Avenue NW."

Here is one from Plain City, Okla., near Oklahoma City. You people appreciate this one. This was taken by Ben Shahn.

Here is one taken up near Frederick, Md.: "Thresher taking a drink." All you can see is the cup out of which he is drinking.

Here is another fine one: "Baby carriage in front of a lunchroom," taken in South Dakota. You cannot even see the baby.

I do not know why the Farm Security Administration would take one like this: "Detroit vicinity, August 1941: Jack Dwyer taking off his coat in a saloon."

Here is one that shows that the Farm Security Administration photographers were smart and knew what they were doing. This was taken by John Bachon, in Grundy County, Iowa, in 1940: "A corn shock caught on a barbed-wire fence." He does not know what a corn shock is. It might have been a corn husk or a corn shuck, but he probably did not know the difference.

Here is a very interesting one, and I know one that will add a lot. This was taken down in Louisiana in 1941, entitled "Spanish Muskrat Trapper Lying on His Bed After Too Much Whisky and Red Wine."

Here is one of a woman who lives in a row house.

Now, here is a real gem, one that was taken out in Beatrice, Nebr., entitled "Men Picking Their Teeth." This is a Farm Security Administration picture.

Mr. POULSON. Mr. Chairman, will the gentleman yield?

Mr. JOHNSON of Indiana. I yield to the gentleman from California.

Mr. POULSON. Is it not to the credit of the people of Nebraska that they still have their teeth?

Mr. JOHNSON of Indiana. That may be. Here is one in Washington: "The Telephone Used in the Information Division of the United States Department of Agriculture." It is the picture of a telephone, no different from any other telephone.

Here is another one, the picture of a slate roof that was taken by Photographer Mydans at Greenbelt.

Here is one taken at Keysville, Va.: "Girl Showing Boy Her Graduation Ring." It shows two hands, one of them with a ring on it.

Now, we go from the sublime to the ridiculous. Here is one taken in Butte, Mont., by Arthur Rothstein. It is a picture of Venus Alley. If anyone from Butte knows what Venus Alley is they might inform the House. If they do not we will look at the next two pictures.

This one was taken at Butte, Mont., by Arthur Rothstein. It is of Venus Alley entitled, "Sign in a Window in Venus Alley." There is the window with the sign "Elinore" in it.

Here is another one taken at Butte, Mont., by Arthur Rothstein. It is also entitled, "Sign in a Window in Venus Alley," and the sign says "Mickey." There is written and pasted there on the window the following: "I will be here Sunday. Mickey."

Mr. Chairman, there are quite a few more of these pictures if anyone wants to see them. I shall not take time to go through them, but they are all about as ridiculous as the ones to which I have referred.

With reference to the question asked by the gentleman from Pennsylvania in regard to cutting down expenses, I wonder if it would not be well to have some real investigations of these departments to find out about these things. I venture the assertion that no one on the committee had justified to them the expenditure of money for purposes such as demonstrated by these pictures. The pictures have file numbers; they are all cataloged; they are all numbered, the numbers of the films are given, and they are mounted on photographer's cardboard. That went on from 1935 through 1943. So I say, Mr. Chairman, it is high time that the Appropriations Committee and the membership of the House in general scrutinize these appropriations and scrutinize them closely to see that things of this character are not carried on any longer. This sort of thing should be stopped immediately.

I recommend most highly all of the investigations possible so that we may have all the information we can get before we appropriate money.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

Mr. CANNON. Mr. Chairman, I desire to commend the chairman of the subcommittee, the distinguished gentleman from Indiana [Mr. JOHNSON], on the very thorough and comprehensive hearings he held on this bill, and the economy exercised in drafting the bill. I do not think we have had within my recollection a more able or efficient chairman in charge of this bill than the gentleman from Indiana. He is a businessman, and he has handled this bill, which is a business proposition, in that it is the housekeeping bill of the Congress, in a practical businesslike way. It has been a pleasure and privilege to be associated with him on the committee.

We have reported out a fairly good bill. I do not approve of all the provisions in the bill, especially the provisions for the Congressional Library. I think there should have been some amendments, which I will take occasion to call up later. For the present, in order to

have ample time, I shall discuss a collateral matter.

Mr. Chairman, on May 6, 1948, in the debate on the conference report on the first deficiency appropriation bill, 1948, I said, as reported on page 5454 of the RECORD:

> It is to be regretted that when the original appropriation was made a sufficient amount was not authorized to have taken care of the situation without having to incorporate it in this bill.

In response to that statement the gentleman from Wisconsin [Mr. KEEFE] said:

> I take this time merely to keep the record straight in view of the statement that has just been made by the distinguished gentleman from Missouri [Mr. CANNON], who has the facility for making statements that sometimes do not accord with the facts.

Let us consider both the gentleman's statement and the facts. The first question is, What is there in the statement that does not accord with the facts? No one will deny that it is a matter of regret that sufficient funds were not originally provided, thereby avoiding this long drawn-out procedure here in the House and in the Senate, as well as the readjustment required in the various States threatening the dismissal of hundreds of essential employees and the closing of public employment offices. Does anyone contend that it is not a matter of regret, and is there anything in that statement warranting the vicious language used by the gentleman from Wisconsin?

But the gentleman from Wisconsin goes on to say:

> The gentleman from Missouri has sought to give the impression it is unfortunate we are compelled to consider this deficiency because the matter should have been taken care of in the regular appropriation estimate or when the regular appropriations and estimates were considered for the fiscal year 1948.

So let us take the gentleman's point of view. It is nothing new for this session of Congress, as the gentleman from Wisconsin has well said, to be compelled to consider deficiencies because the matter which should have been taken care of in the regular appropriation bill was deferred under the guise of a saving or an economy and had to be taken care of in a subsequent deficiency bill.

You cannot recall a deficiency bill which has been considered in this Congress in which there were not large items replacing money which had been cut from the estimates and heralded to the country as an economy. I called attention to a number of such instances when the first deficiency bill was under consideration. And items aggregating $1,068,000,000 for tax refunds to replace the $800,000,000, broadcast all over the Nation as a saving in the last session, were carried in House Joint Resolution 355, and in the first deficiency bill passed in the first week. They cut out of the estimates $800,000,000 for tax refunds and included them in a tabulation they presented to the country as a retrenchment, claiming they had saved $800,000,000 for the Public Treasury. It now develops that they not only failed to save $800,000,000, but they had to put back the $800,000,000 and $268,000,000 besides.

But the gentleman says these deficiencies to which we refer have risen because of situations which could not have been in the contemplation of the committee at the time the budget estimate was considered, due to wage increases given State employees long after they considered the 1948 budget; that such items are imponderables.

Let us look at it from that point of view.

The Senate proposed an additional appropriation of $1,850,000,000 for grants to States for unemployment compensation administration. That was the proposition before us. $57,586,000 had previously been appropriated for this purpose in the Labor-Federal Security Appropriation Act of 1948. Later that amount was further increased by $8,026,000 in the Supplemental Appropriation Act of 1948. These two appropriations combined fell short of the budget estimates by $4,000,000, and it was represented to the country that the $4,000,000 was a saving.

Also, the Senate proposed an appropriation of $2,560,000 for grants to States for public employment offices—$57,382,400 was appropriated for this purpose in the Labor-Federal Security Appropriation Act of 1948, and that amount was later increased by $7,460,000 in the Supplemental Appropriation Act of 1948. Again, the two appropriations combined fell short of budget estimates by $8,345,600.

In both instances it will be noted that the additional amounts proposed by the Senate to the pending bill, the first deficiency bill, 1948, were well within the amounts by which the budget estimates presented to the last session were reduced. In other words, had the knife been used more judiciously, there would be no need now to consider a third request for funds for the current fiscal year.

As a matter of fact, the sums carried for unemployment compensation and employment offices in the first deficiency bill will not be sufficient to keep those services functioning effectively. A fourth estimate may be expected before the close of the session. And I predict now that in addition to the amount which we carried in this bill, there will be a fourth and further request for additional appropriations because even on this third bite at the cherry we did not give them enough money to see the unemployment compensation administrator and the employment offices through.

So far as the estimates not being contemplated that may be; but, on the other hand, had the prior appropriations contained a reasonable margin for contingencies as most lump-sum appropriations do, there would be no need now for the Congress to be devoting its time to this third request

Mr. Chairman, appropriating on the installment plan is neither economic nor efficient. And it is a deceptive course, because the amounts which the people are led to believe have been saved ultimately must be restored in large numbers in supplemental grants.

The gentleman from Wisconsin concludes by saying that as a result of the hearings conducted this morning we are providing the deficiency funds as a result of situations that have arisen since the regular 1948 appropriations and estimates were considered. Even granting the gentleman's contention, no such situation, Mr. Chairman, has arisen since the Senate held hearings on these items and sent them to the House. In the conference with the Senate conferees the gentleman from Wisconsin—and he was particularly and specially mentioned in the Senate as the leader of these obstructive tactics—the gentleman from Wisconsin had before him all the information the Senate had when it provided for these deficiencies. And if there was any further information which he needed or wanted, he could have held brief hearings at that time, as he later did in order to save his face after it became evident that the situation was so intolerable that he would have to yield.

The explanation was that the gentleman from Wisconsin was against allowing money to maintain the Unemployment Compensation Service in a going condition. He was against allowing money to keep the Employment Office open.

He was against it when the Senate amendments were considered in the preliminary meeting of the House conferees. He was against it when he considered the Senate hearings. He was against it when the Senate conferees argued with him that the two services must be continued and could not be continued without the money provided in the Senate amendments. He was against it in the second conference until it became clear that the country would not be denied these essential appropriations.

The gentleman from Wisconsin says the situation could not have been in contemplation of the committee and that the items were imponderable, but in both the first and second conferences with the Senate and with the hearings and report and amendments before the conference available, he knew exactly or could have known what was required and why.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CANNON. Mr. Chairman, I yield myself 15 additional minutes.

In both the first and second conferences with the Senate, with the Senate hearings and report and amendments before the conference, he knew exactly, or he could have known exactly what was required and why it was required. There were no imponderables then. But he was determined to deny these social-security agencies the bare appropriations required to keep them alive and functioning, and he continued that opposition as long as it was tenable.

There is nothing new in the gentleman's obstinate opposition to adequate funds for these two social-security services. We have but to go back to the genesis of social-service legislation to understand the gentleman's attitude.

Under the terrible depressions which scourged the country prior to 1933, regardless of how industriously men

labored—or how well they managed—there were many who were able to lay aside a competence for retirement. There was no place for indigent old age but the poorhouse, and periodically industries shut down and turned millions of men out on the streets who tramped the highways and "rode the rails" looking for work, any kind of work, at any wage, to support their families. But there was no recourse except ineffective public charity or crime.

And nothing was done about it. President Hoover was appealed to but neither he nor his Congress exhibited any interest while the situation grew steadily worse.

It was left for President Roosevelt and his Congresses to enact the Social Security Act which, for the first time, provided old-age assistance for the superannuated, unemployment compensation for those unable to find jobs and aid for dependent children and for the blind and unfortunate.

When the bill was finally reported to the House, the entire Republican membership on the Ways and Means Committee unanimously joined in filing a minority report bitterly opposing it, insisting it was unconstitutional, and predicting it would increase unemployment, and they continued to oppose expanded activities and increased appropriations as vigorously and as uncompromisingly as the gentleman from Wisconsin [Mr. KEEFE] opposed them in the conferences on the deficiency bill.

Mr. KEEFE. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. CANNON. If the gentleman will permit me to complete my statement, I shall be glad to yield.

The position which the gentleman takes here in opposing proper funds to continue these activities is the traditional position taken by his party from time immemorial. But the forces of public opinion and the extraordinary success of the social-security service, especially the unemployment compensation and public employment service features, forced them to modify their position, and at the last Republican National Convention at Chicago a platform was adopted pledging this Congress to an expansion of the social-security activities.

The gentleman from Wisconsin has been a particularly prejudiced obstacle to the redemption of those solemn party pledges. So notorious has been the attitude of the gentleman from Wisconsin in that respect, not only the 1948 program but on the 1949 program as well, that it has been protested in the public press. For example, the Washington Post in its issue of May 5 says editorially:

> The House of Representatives last week passed an appropriation bill for the Federal Security Agency—

And that bill was passed under the direction of the gentleman from Wisconsin, who was chairman of the subcommittee which drafted it. This editorial refers directly to his personal handiwork.

> The House of Representatives last week passed an appropriation bill for the Federal Security Agency, in which the funds requested by the Bureau of the Budget for operation of the Social Security Administration were cut so drastically as to invite its disintegration.

That is a strong statement, but the Washington Post, one of the great newspapers of the Nation and the world, considers itself justified in making that emphatic statement.

> These are strange ways indeed to carry out the 1944 Republican Party platform pledge to support "extension of the existing old-age insurance and unemployment insurance systems to all employees not already covered."
>
> The Budget estimate for operation of the office of the Social Security Commissioner was $3,151,165. The amount appropriated by the House was $221,000, a cut of no less than 93 percent. The effect, of course, is to leave the Commission impotent. His office is the nerve center of a complex system in which competing demands for protection of children, the aged, the blind, and the unemployed must be brought into balance. The regional offices through which his controlling influence was exerted are taken away from him and the determination of policy is thrown back, in effect, to the level of the four constituent Social Security Bureaus. These, then, instead of being integrated are all too likely to be working in rivalry and at cross purposes.
>
> The budget request for informational services was reduced from $109,997—certainly no great sum for a Federal organization serving millions of American citizens—to $79,997. This will mean that people who have rights under the social-security program, rights gained through their own contributions, may all too frequently lose them through ignorance. Widows or orphans entitled to insurance benefits may find them forfeited solely because of an information failure. Equally short-sighted is the slash of $100,000 from the $230,000 asked for research and statistics. This will cut the research staff of this great Agency from 50 to 20 persons, clerical and administrative personnel included, and will hamper intelligent planning for the future.
>
> Most damaging of all, perhaps, is the cut of nearly $23,000,000 in the funds for the United States Employment Service and the Unemployment Compensation Commission and the combination of the two in a new Bureau of Employment Security entirely outside the jurisdiction of the Social Security Administration.

It is to be noted that, although we passed the streamlining bill in the last Congress by a tremendous majority, guaranteed for all time to come to eliminate riders on appropriation bills, eliminating a practice that everybody agreed was reprehensible, legislation under the guise of an appropriation; that the gentleman resorts to that unlawful and unparliamentary practice in his efforts to cripple social-security legislation and deny social-security funds.

> This is obviously outright legislation in the guise of an appropriation bill. It tends to segment and disrupt what should be coordinate and complementary. The Social Security Act is too vital and valuable a part of the Nation's economic structure to be subject to this sort of trickery and demolition. The Senate, it is to be hoped, will show a greater measure of true conservatism when it considers this appropriation bill.

Let us hope the Senate justifies that expectation, and that the Senate conferees will this time be more successful in resisting the objections of the gentleman from Wisconsin than they were in their first conference with the gentleman on the first deficiency bill.

The Washington Post says the work of the gentleman from Wisconsin and his colleagues, in their attempts to sabotage the social-security services, amounts to "demolition." Is it to be wondered that he seeks to divert attention from that record by abuse and vituperation?

Mr. Chairman, in the consideration of the numerous and diverse subjects necessarily under debate in the House it is inevitable that there should be differences of opinion. And we have honest differences of opinion every day here on the floor, But such differences do not warrant the personal abuse and the vile and unparliamentary language used by the gentleman from Wisconsin.

By way of contrast it is only necessary to note how differences of opinion have been customarily handled in this session. When our distinguished and beloved Speaker made the statement in a radio address which was published in the CONGRESSIONAL RECORD that a Republican Congress had balanced the budget for the first time in 16 years, I disagreed with him briefly, as will be noted on page 1634 of the RECORD:

> Reverting to articles in various national magazines just referred to, there appeared in a recent issue of Collier's a high and deserved encomium on the Speaker of the House. I subscribe most heartily to the many laudatory things said in that article about our distinguished Speaker. I yield to no one in my affectionate regard for him as a man, or in my regard and admiration for his outstanding ability as a legislator, as the Presiding Officer of the House and as heir-apparent to the Presidency of the United States. No more talented and gifted man has served in the high office of the Speakership. But there is one perhaps inadvertent statement in the article—one which has since been repeated in many quarters—which must not be allowed to go unchallenged.
>
> The statement was to the effect that under his Speakership a Republican Congress has balanced the budget; that the Republican-controlled Eightieth Congress achieved a balanced budget for the first time in 16 years; that it took a Republican Congress to achieve the first balanced budget in 16 years.
>
> Now, Mr. Chairman, there is no foundation whatever for such statements. When the Republican Party took over control of the Congress in January 1947, the budget they received from the President was not only in balance but it was in balance for the first time since it went into the red during the Hoover administration. If anyone here on the floor, or elsewhere, entertains the slightest doubt about the accuracy of that statement, or if there is any claim that our Republican friends are entitled to any credit for balancing the budget for either the fiscal year of 1948 or 1949, it is only necessary to examine the figures set forth in table 5, on page A-10 of the Budget, submitted to the Congress early last month.
>
> The last fiscal year in which we were at war was the fiscal year ending June 30, 1946. Only 6 months and 3 days following the close of that fiscal year the President presented a balanced budget for the fiscal year 1948. And that is the year Republican apologists would have the country believe they balanced the budget. Such claims are manifestly absurd. You can be certain the chairman of the Committee on Appropriations, the gentleman from New York [Mr. TABER], who probably knows as much about the fiscal affairs of the Nation as any man alive, has never made any such ridiculous claims as that.

The Government was in the red when they turned it over to us in 1933. We received it in the red and we turned it back to them in the black. And in my opinion, it will be in the red again when they return it to us in the next Congress.

When—page 3972—the chairman of the Committee on Appropriations, the gentleman from New York [Mr. TABER], said, in the course of his remarks on the first deficiency appropriation bill, that only six or seven million dollars were for replacement of cuts made in former bills, my comment was:

I was surprised when the chairman said in answer to my question that only about $6,000,000 or $7,000,000 in the bill is for replacements of cuts made in former bills. If you go through this bill, you find that practically half of the new obligational availability is directly due to the need for restoration of amounts previously claimed as economies. In other words, this committee has ever since the beginning of the Eightieth Congress been operating in many instances on the installment plan. The departments come before the committee and demonstrate the need of definite funds and the committee arbitrarily cuts the appropriation below the amount on which the department can operate, and then tells the country that we have made a saving.

And when the money falls short of the requirements of the department the committee brings in a deficiency or supplemental appropriation which absorbs or more than absorbs the so-called economies.

The last deficiency bill passed here in the House was made up principally of such restitutions. And a large part of this bill is made up of such items.

These appropriations by installments do not save a thin dime. On the contrary, they involve additional and unwarranted cost to the Government. Additional work is shouldered on the Federal agencies and the Congress in the repeated processing of these come-back estimates. Budget staffs are burdened unnecessarily with additional work and the committees and the two Houses must without profit devote valuable time and energy to these repetitious proceedings. And we end up by restoring the funds arbitrarily denied without supporting factual data.

Mr. TABER. Would the gentleman point out one such item as that?

Mr. CANNON. Certainly. Here, for example, is the amount restored for Government relief in occupied areas. And here is something like $75,000,000 of delayed funds for the postal service. And there is a very substantial amount here for replacement of cuts in the provision for the Atomic Energy Commission. And here is money for the replacement of arbitrary cuts in the replenishment of the working capital of the Government Printing Office. Just these items alone will total something like $295,000,000 instead of the $6,000,000 or $7,000,000 which the gentleman assured us just now would include all replacements for cuts made in previous appropriation bills and heralded to the country as savings and economies.

However, when the gentleman from Wisconsin [Mr. KEEFE], who seems to have a predisposition for such statements, charged on the floor on March 11 that facts had been garbled, I answered him, page 2586, in kind:

Even if the President wanted to keep these Communists in the bosom of the Government, which is unthinkable, the weight of public opinion would force them out. We have seen aroused public opinion operate. We saw the effect of pitiless publicity on the three fellows we had up here in the last Congress. When payment of their salaries was refused they applied to the Court of Claims, and the Court of Claims sustained them. We carried it up to the Supreme Court. The Supreme Court said they were entitled to draw their back pay.

But their position was untenable. All three of them resigned. The department was too hot to hold them. Public opinion was too intense to permit them to stay. We got rid of them. If we handled those 3 we can handle these 14 just as effectively and just as expeditiously under this resolution.

The other day when this matter was up, the gentleman from Wisconsin [Mr. KEEFE] took issue with me and made the statement that the facts were being garbled, that the facts were not given, or that the facts were misrepresented. I have notified the gentleman from Wisconsin [Mr. KEEFE] that I would take this up today. May I say that if there is any misstatement of fact, and apparently there was, it was the gentleman from Wisconsin who was guilty of the misstatement of facts on this floor. Here is what he said:

"He"—the gentleman from Wisconsin—"should get himself in accord with the facts and not make the charge on the floor of the House that the Republican chairman and the Republican Committee on Appropriations are failing in their responsibilities to get rid of communism existing in the State Department."

Well, now, what other conclusion can there be? The chairman of the committee made the statement on the floor that the Communists were there, and he has done nothing to get rid of them. At least, no action has been recommended or reported to this House providing any kind of a method for their disposition.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. GARY. Mr. Chairman, I yield the gentleman 10 additional minutes.

Mr. CANNON. Mr. Chairman, the gentleman from Wisconsin then said:

'The gentleman from Missouri makes the bald statement that under his administration as chairman he got rid of three of them and challenges the present chairman to emulate him in doing the things which he says never took place at all. * * * They did not fire these people at all. They stayed on the job."

Anybody knows that a Communist never gives up a job on the inside as long as he can hold it. These people would be in their jobs today if we had not taken action. We did get rid of them. They are no longer a part of the Government. All of them were out of the employ of the Government before the opinion was handed down by the Supreme Court.

Now, the gentleman from Wisconsin takes great credit to himself for the part that he had in this proceeding.

He makes the statement that he had the honor to suggest on the floor of the House that a new special committee should be appointed for this purpose. And he says it was done. You get the impression in reading his speech that he initiated the proceedings. As a matter of fact, all he ever did was to go along with the Democratic majority. The matter was first suggested by the gentleman from Florida [Mr. HENDRICKS], who, in 1942, proposed that action be taken, and who, in 1943, offered an amendment to deny the salary of certain men accused of being Communists. At the time that amendment was under consideration, the gentleman from Wisconsin [Mr. KEEFE] debated the question. He made no suggestion whatever that he had ever thought of taking any such action. He was undoubtedly present, because he is quoted in the RECORD as saying:

"The very voices that are now crying out against the adoption of this amendment, however, are the voices that in the last campaign vilified me because of my pre-Pearl Harbor votes."

He seems to be sensitive about his pre-Pearl Harbor votes.

And Mr. O'Connor interrupted him to say:

"I was branded just the same as was the gentleman from Wisconsin [Mr. KEEFE] by the New Republic as being an agent of the Nazi government."

The gentleman from Wisconsin [Mr. KEEFE] acquiesced:

"I remember well the situation that existed in this country at the time of the last war. I know how emotions can be whipped up, and I feel that we should act deliberately in this matter with full knowledge of what we are doing."

Then he makes a statement that he was appointed on the committee by the Speaker of the House. He had just previously said he was glad I had appointed him. So, it is a question of when the gentleman was making a misstatement. Was he making a misstatement when he said he was appointed by the chairman of the committee or when he said he was appointed by the Speaker? Certainly, he was making a misstatement when he said we did not get rid of the three Communists.

The gentleman from Wisconsin not only contradicted himself but he also contradicted the gentleman from Minnesota [Mr. JUDD] when he insisted that due to the decision of the Supreme Court the committees of the House were without power to rid the department of Communists and other objectionable employees. The gentleman from Minnesota [Mr. JUDD] in the same colloquy stated that his committee, the Committee on Expenditures in the Executive Departments, was getting rid of many of them. If the method by which the Committee on Expenditures in the Executive Departments is getting rid of the Communists in the departments is not permissible under this resolution, then let us adopt the plan followed so effectively by Mr. JUDD's committee. Let us use it on the 14 Communists which the chairman of the Committee on Appropriations tells us are impregnably intrenched in the State Department. Let us either take steps to get rid of Communist-affiliated employees in the Government or quit talking about them.

Mr. Chairman, all such differences of opinion have been disposed of in a parliamentary manner but in this instance when a statement is made that there is cause for regret that an original appropriation was not provided to avoid a deficiency, then partisan members vote to leave in the record a churlish and unwarranted statement, a violation of the rules of this House or of the rules of any other self-respecting parliamentary body, that the gentleman from Missouri has a facility for making statements that do not accord with the facts.

I am glad to say, Mr. Chairman, that it was not the action of the House. It was the action solely of members on that side of the aisle—and many on that side of the aisle did not concur in it.

And I was about to overlook the gentleman from Ohio [Mr. BENDER]. At the close of the vote, the gentleman from Ohio [Mr. BENDER] secured 1 minute to make a charge of something manifestly worse which had taken place in 1945. I had to look it up in the RECORD to find what it was. And I wish anyone interested would take the time to read the debate on the subject on December 11, 1945. I was trying to save $17,000 on a new office which had been created the year before and which everybody who appeared before the committee said had accomplished nothing. I wanted to abolish the office and save the $17,000 and

the House did abolish it and it has never been referred to since. But the gentleman from Ohio evidently favored spending the money and interrupted to ask a question and then proceeded to make a stump speech, which I deleted from my remarks, under the rules of the House. I had forgotten saving that $17,000, but evidently he has not forgotten it.

Mr. Chairman, I appreciate the vote of confidence received—on both sides of the aisle—for I count the adverse vote on that side of the aisle especially significant. It is a high compliment that in the debate here on the floor the gentleman from Wisconsin, unable to discuss the merits of his case convincingly, found himself at such a loss as to have to adopt the course traditionally followed by the shyster lawyer who, having a poor case, resorts to abuse of the opposing attorney.

But, may I remind certain gentlemen on that side of the aisle that name calling is not argument and abuse is not statesmanship.

Mr. JOHNSON of Indiana. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin [Mr. KEEFE]

Mr. KEEFE. Mr. Chairman, of course the rules of the House do not permit me to speak the sentiments that are rushing and crowding for expression at this time. What words I was able to hear as uttered by the gentleman from Missouri—and I sat within 6 feet of him in the front row while he was delivering himself of this abusive declaration toward me—those things which I was able to hear indicated to me the truth of the old adage, "He who tooteth his own horn is like he who dyeth his mustache; he kiddeth only himself."

The gentleman, apparently cringing under what he conceives to be an unwarranted lash administered by the House of Representatives the other day, when by a roll call vote of 171 to 137 the House refused to expunge from the May 6 RECORD the remarks of the gentleman from Wisconsin, has apparently taken a lot of time to build up a defense against that action that he wants to use down in his district in the forthcoming campaign. He has delivered himself of a speech for home consumption. He has gone far afield from the issue that was before the House on the 6th of May, and the gentleman well knows it. He has digressed in his remarks in a manner that ill becomes one who is frequently referred to as a great parliamentary leader.

I shall in due time take a little time and make a speech that will gather together some of the votes and remarks of the gentleman from Missouri that reflect his attitude.

Mr. Chairman, I was in my office this morning from 8:30 to 11:45 a. m. At no time did the gentleman advise me that he intended to attack me. Common courtesy would have required this. I ask for none from the gentleman, however, and assure him that in due time I shall answer every statement in his speech. He has asked for it and the House is entitled to the facts in order that the record may be kept straight.

Oh, how he loves to appear as the bleeding heart, bleeding for underprivileged humanity, and the great defender of social security. Without any research I well remember the time when the gentleman who is now addressing you offered an amendment to a deficiency bill then pending that provided the initial funds and program for setting in motion the emergency material and infant-care program. Who was it that arose on the floor of the House and objected? The gentleman from Missouri [Mr. CANNON]. But that effort in behalf of the wives and children of servicemen would not be denied, despite the opposition that he made, and when the bill came back from the Senate the provision was in that bill and there was not a dissenting voice.

The gentleman from Wisconsin, whom he has attempted to depict as the enemy of social security, as he well knows and as the record will show, and I will put the exact quotations in the RECORD and the reference to it when I revise these remarks and get permission to do so in the House, will indicate the attitude that the gentleman from Missouri then expressed with respect to one of the greatest programs that was developed during the war.

Now let us get to the basic facts that prompted me to make the statement which I did in this RECORD of May 6.

We were in conference with the Senate on the deficiency bill. The Senate committee placed in the deficiency bill two items, one for administration expenses for unemployment compensation administration in the States, and the other for administrative expenses for the State employment services. One was $2,500,000 and the other was somewhat in excess of that amount broken up as two separate items.

Those matters had never been considered by a committee of the House of Representatives. They were put in by the Senate. When we went to the conference, I looked through the Senate hearings and found that they were very skimpy indeed, to say the least. There was no break-down whatsoever to show what those funds were to be used for. I objected to giving these millions of dollars additional to these two services until I knew what the money was for. The Senators agreed and we had a unanimous agreement, and my little friend from Missouri was there and did not object. He signed the conference report. The conference report came back to the House and was passed unanimously, and the gentleman from Missouri never objected then as he had a right to do. Then the conference report went to the other body. In the meantime, the States of New York, Pennsylvania, New Jersey, California, and Michigan indicated that due to situations that had arisen in those States, the operation of those services might be impaired if that deficiency was not allowed. So the Senate sent it back to the conference for further consideration. Again we went to the conference called by the Senate and after hearing the facts, the chairman of the conference, Hon. STYLES BRIDGES, requested me as chairman of the House committee to hold a hearing the next day and get a break-down of those two estimates so that the conference would know what it was all about. Did the gentleman from Missouri object then? He did not. He sat there without opening his mouth, largely because, I assume, he did not know or understand what was before the conference. I conducted those hearings the next day, starting at 9:30 and concluding at 11:30. As a result of this conference and that hearing, we received a break-down from both the UC and the Employment Service operation showing what those moneys were to be spent for. The gentleman from Missouri apparently does not understand it at all. But as a result of that effort, the conference struck from this deficiency appropriation $1,325,185 in one item and, I believe, approximately $250,000 in another. Of course, the saving of a million and seven or eight hundred thousand dollars perhaps does not mean anything to the gentleman from Missouri, but it meant something to this conference of which he was a member. Again the conference agreed on striking out that amount of money from this deficiency as a result of the hearings conducted by the gentleman from Wisconsin, whom the gentleman from Missouri condemns so bitterly this morning. Again the gentleman from Missouri signed the conference report. Again the report came back to the House and was passed unanimously. Today the gentleman from Missouri stands on the floor and denounces the gentleman from Wisconsin as being an enemy of social security. Let me tell you something. You may get away with that down in your district in Missouri—where you have some pretty tough opposition this fall, I understand.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. JOHNSON of Indiana. Mr. Chairman, I yield the gentleman five additional minutes.

Mr. KEEFE. I will take my chances with the membership of this House or with the people of this country who have written me reams of letters, which I can show, indicating the magnificent work that the committee of which I have the honor to be chairman has done in this field. You will see before we get through that we have done one of the most constructive jobs in the interest of social security in this country that has ever been attempted. Were I to follow the leadership of the gentleman from Missouri [Mr. CANNON] I would take these budget estimates as they are handed up here, hold a little mimic hearing and report it to the Congress and beat my breast saying what a great job I had done.

Where was the gentleman from Missouri [Mr. CANNON] when the report came from Congress and the bill, of which he complains, was reported? Was he on the floor? Did you hear a squeak out of him? You did not. He was a member of the Appropriations Committee, and this House, with only about 29 votes against it on the roll-call vote, supported the committee of which I have the honor to be chairman. Most of the debate on the bill related to the so-called non-Communist rider. Where was the gentleman from Missouri at that time when his voice might have been heard? He was silent. Then he comes in here

today, when he apparently has charge of the time on this bill, and attempts to excoriate the gentleman from Wisconsin as being opposed to social security.

The gentleman from Missouri made the statement when the deficiency bill came back here:

> It is to be regretted that when the additional appropriation was made a sufficient amount was not authorized to have taken care of the situation without having to incorporate it in this bill. Certainly the House should have agreed to the Senate amendment without requiring this extra conference.

It was the unanimous action of the conference that resulted in the extra hearing, and the gentleman from Missouri was there. Why did he not raise his voice then? He did not, because the action of the conferees was unanimous and it was right.

Now, let me tell you the facts. The facts are simply these, that subsequent to the regular appropriation estimates being approved for 1948, due to a natural-gas shortage in Michigan, and due to circumstances that could not be foreseen, there was a tremendous amount of unemployment that was not figured in the estimates when they were made for the fiscal year 1948. There were wage increases in all State services that could not be anticipated. Those wage increases made the administration cost more money. So they came in and asked for a deficiency. We supposed it was because of that critical situation. But when we broke the situation down we found that on the employment office side $1,325,000 of that requested deficiency was for what purpose? A purpose unknown to anybody heretofore. They requested it in order that six States might dip into this title III money, and fortify their State systems of retirement and use the money that was paid under title III to fortify the retirement systems of those six States, by taking out of that fund the money necessary to make the employer's contribution to the State retirement fund; something unheard of; never presented to any committee of Congress.

When we developed those matters before the conference every member of the conference, Democrats and Republicans alike, said, "It is an unheard-of thing. We want to know what the facts are."

In fact, I furnished the distinguished Senator from New Mexico a copy of an opinion by the Comptroller General, and after reading it he was of the opinion that there was a serious question as to the legal authority for us to make expenditures of that kind. And my little friend from Missouri sat there with his mouth closed; never opened his mouth during the entire conference. Again, I repeat, he did not open his mouth, because he does not understand and does not know the techniques that are involved in the administration of the employment services or the administration of the unemployment compensation.

Then he has the effrontery to stand up here in the well of the House and condemn and damn me. I have spent 10 years of my life in diligent study and effort to promote the administration of the employment services and unemployment compensation throughout this country, and every State administrator well knows that to be a fact.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired.

Mr. KEEFE. Mr. Chairman, I ask unanimous consent to revise and extend my remarks. I have no present knowledge as to what the gentleman has included in his speech. I assure you that as soon as I have had an opportunity to read the statement of the gentleman from Missouri, I shall answer it in order that the record may reflect the truth.

The CHAIRMAN. The Chair will state that the gentleman from Indiana [Mr. JOHNSON] has 25 minutes remaining, and the gentleman from Missouri [Mr. CANNON], 25.

Mr. CANNON. Mr. Chairman, I yield myself 5 minutes.

The CHAIRMAN. The gentleman from Missouri is recognized for 5 minutes.

Mr. CANNON. Mr. Chairman, the gentleman from Wisconsin [Mr. KEEFE], who has just spoken, has not even attempted to touch the real issue. He has very carefully avoided it. He has not attempted to justify the unpardonable language which he used on the floor.

He has confined his discussion entirely to the complaint that the members of the minority did not save him and his colleagues from their error in opposing adequate appropriations from the Unemployment Compensation Administration and the unemployment offices.

Nor can he take refuge in the fact that even after the bill and first conference report came to the floor a dictatorial minority did not deter a downtrodden majority from passing the bill and the conference report dictated by the gentleman from Wisconsin.

He makes a frank confession. He concedes that he knew all about the bill and that no one else knew anything about it. That is all the greater condemnation of his determined opposition to a minimum appropriation to keep social-securities activities functioning.

The criticism of members of the minority for signing the conference report and voting for the bill or the report are absurd. They had no voice in the matter. You cannot oppose or refuse to approve and vote for a bill or a conference report carrying vital appropriations simply because you do not approve of one or two items in the bill.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. CANNON. I am glad to yield to the gentleman from Wisconsin.

Mr. KEEFE. Is it not a fact that the conference report was unanimous? And that the gentleman from Missouri was present there all the time and agreed completely with everything that was said and done?

Mr. CANNON. Certainly not. No member of the minority agreed to the drastic cut the gentleman insisted on making in the social-security funds. But we had to sign the report or be placed in the position of opposing essential appropriations for other purposes carried by the bill and refusing funds the lack of which would have placed other activities in as precarious a situation as the Unemployment Compensation Administration and the employment offices.

Mr. KEEFE. But the gentleman voiced no opposition in the conference.

Mr. CANNON. The gentleman knows I did not agree. I signed the conference report, because I had no choice.

Mr. KEEFE. Of course the gentleman did.

Mr. CANNON. It was a case of signing it or abandoning the rest of the bill.

Mr. GAVIN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GAVIN. I wish to ask the chairman what legislation we are discussing. What good bill is before the House?

The CHAIRMAN. The House is in the Committee of the Whole in general debate on the bill H. R. 6500. The gentleman from Missouri has been recognized for 5 minutes and his time has not expired.

Mr. GAVIN. Mr. Chairman, I make the point of order that the gentleman is not discussing the bill under consideration. It is time we got back to a discussion of this bill. We have taken too much time on extraneous matters.

The CHAIRMAN. The Chair will state that under general debate, the debate is not confined to the bill.

The point of order is overruled.

The gentleman from Missouri will proceed.

Mr. CANNON. I can understand the anxiety of the gentleman to get away from the facts in the case, and I can understand the anxiety of the gentleman from Wisconsin to get away from the facts.

He says he was not aware of the situation necessitating the appropriation of these funds until the morning of the last conference. As a matter of fact, he cannot deny that he knew of the facts on which the Senate had based its amendments and he knew of them before the first conference. He cannot dodge that. The Senate hearings and report were simultaneously available with the Senate amendments. He cannot disguise the fact that he was opposed to the efficient administration of the social-security law as evidenced by his refusal to agree with the Senate conferees after long and exhaustive argument with them in the first conference. He was just traditionally opposed to the whole idea. He knew at that time that failure to make the appropriation would require the discharge in the State of New York alone of over 900 employees and make it impossible adequately to administer the program. He knew at that time that in the State of Michigan, for example, they would have to close numbers of employment offices immediately, making it impossible to attempt adequately to administer the program. And still he refused even to compromise with the Senate conferees. He would not agree to a penny.

The remarks of the gentleman from Wisconsin are enlightening in another respect. His discussion betrays a familiarity with political aspirations in my Congressional district. He seems to be attempting to make political capital here which can be used by his party in my

district in the coming campaign. He is apparently already attempting to campaign against me in the coming election at the expense of the beneficiaries of the Social Security Act. That is one congressional district in which the election cannot be dictated from Washington. If it could, I am certain the gentleman would be glad to take precautions which would keep me at home and thereby save him and his colleagues in the next Congress from the reminder of their failure to provide for the administration of the laws which have brought to that district and the State of Missouri the greatest prosperity the country has ever known.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. JOHNSON of Indiana. Mr. Chairman, I yield myself 1 minute for the purpose of expressing my thanks and appreciation to the members of the committee on both sides for their untiring work in writing this bill. I can happily say that in our committee we had no political considerations at anytime. All the members devoted themselves to a sincere effort to write a good bill, which I think we did. All of the members rendered a very valuable service. I also want to thank the committee clerks, Mr. Wilson and Mr. Sprangle, who performed valuable service to the committee.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk proceeded with the reading of the bill.

Mr. JOHNSON of Indiana (interrupting the reading of the bill). Mr. Chairman, I ask unanimous consent that the bill be considered as having been read and that it be open for amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. Are there any points of order against any provisions of the bill? If not, the Chair will recognize Members to offer amendments.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in connection with the present appropriation bill and all other appropriation bills, the question of tax dollars and the amount raised is of vital importance because it is from the money raised as a result of our revenue laws or the tax dollars paid by our taxpayers that appropriations are capable of being made. For years I have been first interested then concerned with a provision in the internal revenue laws that the Congress in its wisdom enacted many years ago, the purpose of which was to prevent corporations from unreasonably withholding surplus for the purpose of avoiding the payment of surtaxes in the hands of some stockholders. I can well remember in the latter thirties when this matter came before this body. At that time I opposed the formula known as the third basket tax that was contained in the bill that was designed to meet the serious situation where corporations unreasonably withheld the distribution of their profits or their surpluses in the nature of a dividend. We liberalized, as I remember, section 102 of the Internal Revenue Code at that time making it easier for the Bureau of Internal Revenue in court proceedings, directed against particular corporations, to present their cases to the courts, meeting some difficulties in the law that existed at that time as the result of our court procedure.

This is a matter of great importance to millions of stockholders of different corporations who are denied payment of proper dividends. The question is whether or not a few stockholders, and particularly large ones who have substantial incomes from other directions, can exercise their influence to prevent a corporation declaring a proper dividend so that they can avoid the payment of a higher surtax or to prevent getting into a higher surtax bracket.

As indicating the seriousness of this situation I call attention that in 1947, with corporate net income in the United States of over $17,000,000,000 that the corporations declared dividends of a little over $6,000,000,000. I cannot understand why there is such a small amount of dividends paid by corporations in proportion to net income. In 1929 when the net corporate income, that is, income after taxes, was about $9,000,000,000, or a little less, the dividends paid were between five and six billion dollars. In 1939, following the depression period, with corporate net income of $6,000,000,000, there was about $4,000,000,000 in dividends paid. I agree that is a high ratio.

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. McCORMACK. Mr. Chairman, I ask unanimous consent to proceed for three additional minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McCORMACK. I am not advocating that the ratio of dividends to net income should be 80 percent. In 1940, with a corporate net income of about $6,000,000,000, the dividends declared were about $4,250,000,000. In 1941, with corporate net income of about $9,000,000,000 the dividends declared were close to $5,000,000,000. In 1946, with corporate net income of about $11,500,000,000, the dividends declared were about $5,500,000,000. Yet, in 1947, with a $17,500,000,000 corporate net income, the dividends declared were only a little over $6,000,000,000.

Mr. BUCK. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield to the gentleman from New York.

Mr. BUCK. Of course, the gentleman recognizes the necessity of having a surplus to carry a corporation over bad times, does he not?

Mr. McCORMACK. That is true. The gentleman's statement is absolutely correct, and I have that in mind, and I am glad the gentleman asked the question so that I can make it a part of my remarks. I recognize also that the corporations use some of their surplus for plant extensions and other capital purposes, such as the replacement of capital that may have been impaired in other years, but that is a matter that concerns individual corporations, and the Bureau of Internal Revenue, if it should go after a corporation on the ground that it is unreasonably withholding dividends, would be justified in considering that. I recognize that the cost of construction has gone up, and I agree that that and similar factors should be considered, but I still say that the cost of living has gone up for the average stockholder, and that certainly with a $17,500,000,000 corporate net income, the amount of dividends last year ought to have been in excess of the $6,000,000,000 plus that it actually was. All of the factors my friend from New York says in sound business must be recognized, I know business must recognize, but I do feel that the small stockholder should be given consideration, and that in those corporations where there is an unreasonable withholding—and I am applying this only to that situation—the wishes of the large stockholders, or those with large incomes from other directions should not dominate the dividend policy of the corporations.

My only purpose in rising is to call attention to this and to the fact that the Bureau of Internal Revenue with justice to all corporations, and justice to each individual corporation, should vigorously look into this matter and carry out the mandates of the law, not only for the benefit of the small stockholder who is entitled to that consideration but also for the benefit increased dividends will bring to our Government in the form of more tax dollars.

Mr. Chairman, my main purpose in speaking on this occasion is for the interest of the small stockholders of corporations. They certainly are affected greatly by the increased cost of living. It is persons in the fixed-income class that are the ones most adversely affected by inflation. And yet while the cost of living during the past several years has gone up sharply, the percentage of dividends to the total net income declared by corporations has decreased.

The total dividend payments in 1947 was $6,800,000,000, or 39 percent of the total corporate net income which net income is estimated at seventeen billion four hundred million, and this represents the lowest proportion paid out in any year since the Department of Commerce series was started in 1929. Let us contrast this with the higher percentages paid out in previous years, such as 69 percent in 1929, 76 percent in 1939, 63 percent in 1940, 48 percent in 1941, and 45 percent in 1946, all active years.

It seems to me that in the interest of the Government, and certainly in the interest of the small stockholder, the Bureau of Internal Revenue should be active in seeing that corporations do not unreasonably withhold surplus in order that certain of its stockholders, usually the large ones, and officers of the corporation, are not driven into a high surtax bracket. Such a policy is one to benefit the few at the expense of the many.

Mr. ANGELL. Mr. Chairman, I move to strike out the last word, and ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Oregon?

There was no objection.

HYDROELECTRIC POWER INTERCONNECTIONS BETWEEN PACIFIC NORTHWEST AND CALIFORNIA

Mr. ANGELL. Mr. Chairman, on April 12, 1948, our good and esteemed friend, the gentleman from the Second California District, inserted on page A2239 of the Appendix of the RECORD the suggestions he made to the House Interior Sub-Appropriation Committee covering needed power relief to California necessitated by the crippling shortages existing in that State. The press accounts following this submission and similar accounts covering earlier testimony before the House Public Lands Committee have resulted in considerable apprehension in the Pacific Northwest. The northwestern editorials bearing on this subject, which have come to my attention, indicate a fear that this proposal is the first step of a program to undercut northwestern resources, to increase the basic power rate, and—later—to amend the Bonneville Act. I can readily see from some past legislative history that a reason exists for such apprehension.

I have seen no indications that the proposal of the gentleman from California contemplated such a wide and unsound program, but it is easy to see how misconceptions could arise from the language used in describing these ideas. Before such a complex subject can be completely discussed on its merits, more factual information is needed than is presently available. I understand that the interconnection proposal has not been surveyed and that a factual feasibility analysis has not been covered in any report submitted to the Congress. Until such surveys have been accomplished and a resulting complete feasibility and protective report is submitted to the Congress, any discussion of this problem must be more or less tentative. I am discussing this situation not in a spirit of criticism but rather for the purpose of opening up a fair and full analysis so that the people of the affected States can be fully informed, since what has been offered to date has caused apprehension and in some cases suspicion.

In order to keep the record straight until such background material is available, I wish to offer a few observations based on such substantial material as is quickly at hand. The Rivers and Harbors Subcommittee of the House Public Works Committee, of which I happen to be chairman, has long had original jurisdiction over the water resources of the Columbia River. For over 20 years certain phases of the over-all characteristics of this river have been under study by my committee. As a matter of fact, because of this original jurisdiction it was necessary, following the decision of the United States Supreme Court in the Arizona Parker Dam case, for the House Rivers and Harbors Committee to authorize the Grand Coulee project in the Rivers and Harbors Act of 1935. Legislative jurisdiction over the Central Valley project rests with a different House committee; namely, the Public Lands Committee.

Before I proceed further I wish to point out several significant economic facts. In my opinion these facts ultimately will carry considerable weight when the interconnection matter is later discussed following receipt of feasibility reports applying to this proposal.

The economic destiny of Oregon and Washington is closely tied to the economic progress of California. The Pacific coast and adjacent Western States commercially have much in common. For example, the lumber industry of southwestern Oregon is now feeling the pinch of the California power shortage. The operations of lumber mills in this area have been curtailed.

Any cause which injures California also has an adverse effect on the business of the adjoining States. Oregon, similar to California, has encountered mass population migration, and the existing utility facilities needed to serve the resulting increased demand in both States have been severely taxed. The Columbia Basin is short of native fuels, but long on water, while California has been blessed with liquid-fuel resources but is short on water supply. Indications are that California will encounter diminishing petroleum reserves and that it cannot develop water sources and hydro power to fully support its population increases. It therefore follows that the Columbia Basin States should help California, provided they can do so without injury to their own natural position. Basic engineering data is not now available to measure the extent of this help. This data should be made available at an early date so that the people of both regions can be given the full facts in order that discussions covering this intertie will not become unnecessarily controversial. We need to know the many complex variable factors governing such a power interrelationship. Until we have brought all these factors together into a composite balance sheet we will not be able to accurately appraise the full effects.

BASIC FACTS

After mentioning such brief preliminaries let us now examine a few basic established facts applying first to the comparative river flows in the lower Columbia and the Sacramento near the Shasta Dam site. After we have made this comparison we will be in a position to translate these known characteristics into tentative development and utilization factors applying to the electric generation, transmission, and export of power.

It is an accepted fact that the quantity and type of river flow are determined by the extent, topography, character, storage potentialities, and climatic conditions applying to any given watershed. The drainage area of the Sacramento River at the Shasta Dam site is officially stated at 6,665 square miles, while the drainage area of the Columbia River at The Dalles, Oreg.—some 70 miles above Bonneville Dam—is 237,000 square miles. The mountain snowfields which contribute to the flow of the Sacramento at Shasta Dam site have north and south distance less than 150 miles, while the comparative figure applying to the Columbia is about 950 miles. The Columbia Basin snowfall supply extends from northern Utah through the Selkirks of northern Canada (the Columbia is an international stream). Snow-melt contributions have a greater diversity if the distance traveled by the seasonal sun position is greater. All of these factors naturally give the Columbia a much greater sustained flow and greater hydro potentiality than is possible on the Sacramento. It follows that the Columbia is a large sustained-flow stream, whereas the Sacramento must be considered in the torrential classification. Such a brief review indicates that the power benefits accruing from the Columbia must greatly exceed those possible on the Sacramento.

FLOW DIVERSITY

Information on the flow diversity between the two watersheds is very meager and no yardstick is therefore presently available to measure benefit flows in critical or average years. Two-thirds of California's population and agricultural activities are located south of Sacramento, while the available water in this south and central California area is only one-third of the State's total. Such facts indicate a tendency to require unidirectional flow of benefits.

Early in the last war serious power shortages developed in the southeast section of this country. These past shortages were remarkably similar to the present situation in California. To overcome the resulting production handicap, the war agencies resorted to transmission line interconnections. This practice was continued throughout the war. From the results of these interconnections there can be no controversy as to this practice being a constructive and a wise procedure. Unfortunately, as far as I can determine, there have been no quantitative results published covering these interconnections. From what is available, I would judge that the country as a whole benefited to the extent of around 5 percent increase in the then available power capacity.

FLOW OF BENEFITS AND UPSTREAM STORAGE

It is apparent that before the flow of benefits can be determined, a thoroughgoing survey and analysis must be undertaken covering all the elements connected with flow characteristics. The meager information that is available indicates the need for more information to determine the flow of benefits.

Natural river flows can be modified or regulated through the use of upstream water storage. The California impression that no storage opportunities exist on the Columbia is totally erroneous. Existing preliminary surveys and studies made by the Army engineers indicate that great and low-cost storage potentialities exist in the Columbia Basin. This basin is rich in large head-water lakes and natural reservoir sites. Around 25,000,000 acre-feet of upstream storage would make the Columbia a commercially firm power-producing stream on the basis of fitting a most probable future load curve. Grand Coulee Reservoir has 11,000,000 acre-feet of total storage, but only 5,200,000 acre-feet can be effectively

used on account of diminishing returns resulting from head-water draw-down. Hungry Horse project in western Montana, now under construction, will provide about 3,000,000 acre-feet of additional usable storage by 1951. This Hungry Horse storage alone will firm up 377,000 kilowatts in four downstream plants, which value approaches the total California estimated gain figure. The Hungry Horse storage effect was apparently ignored in the preliminary California estimates. This amount of Hungry Horse contribution power transformed from dump into firm, at a 60 percent use factor, is equivalent to an additional annual kilowatt-hour production of some 1,450,000,000 kilowatt-hours. The Canadian headwater lakes of the Columbia are located in virgin country, and between 4,000,000 and 6,000,000 acre-feet of storage could be obtained at such sites at an exceptionally low cost when and if international agreements are worked out. There is also a large similar lake within the American boundary, largely surrounded by virgin lands, which could cheaply yield 3,000,000 to 5,000,000 acre-feet, or perhaps more. In addition, preliminary surveys on the Kootenai Branch of the Columbia in northern Idaho and western Montana show outstanding storage opportunities. The Columbia Basin informational surveys to accurately determine the economic breaking point in the storage utilization curve are yet to be made. The determination of such a breaking point is a substantial factor in measuring the available firm, secondary, and dump power. This analysis must be made to determine the important element of feasibility. Until this is consummated it will be impossible to accurately figure what power can be most economically used locally and what amount can be justified for export.

WASTE OF POWER

The statement that the Bonneville system wastes annually about 2,000,000,000 kilowatt-hours cannot be substantiated. The significance of such a figure can be appreciated when it is known that this amount of power is equivalent to 54 percent of the actual 1947 fiscal year output of the Bonneville generating station. The Pacific Northwest, because of a lack of fuel, pioneered in hydrogeneration and long, high-voltage transmission. Consequently, over a long period the people of the Northwest have been thoroughly educated as to power, and the language and thinking of the industry are in common use. Actually the Northwest is badly short of commercial and defense power, and will be for some time. Many of our people have visited the Bonneville plant located on one of our principal highways. These visits have confirmed the widespread knowledge that since its completion this plant has operated continuously around the clock except for mechanical breakdowns under overloads approximating 20 percent. There have been no visible signs of waste. Consequently the implication that any of the Bonneville output can be exported, leads to suspicion.

The use of the 2,000,000,000 kilowatt-hours figure results from either a misconception of power application on the Columbia or an unintentional error in calculations. I personally do not think that the intent was to suggest exporting any firm or such other power as will be converted into firm power in the near future. It was unfortunate that the word "waste" and the figure of 2,000,000,000 kilowatt-hours crept into the discussion, as they evidently resulted in impressions in the Northwest different from what was intended. Therefore, what I say in this connection is not designed to be critical but, rather, to help in reaching a common understanding, as I feel that I know some of the elements causing such a misunderstanding.

On page A2240 of the Appendix of the RECORD this statement can be found:

The power potential of the Columbia River must be used as it flows by the power plants.

Technically, this expression means that the two main Columbia River generating stations were considered to be what is known in the industry as "run of the river" plants. This is not the case. Grand Coulee, next to Boulder, is the largest storage plant in the country, and Bonneville is an exceptionally large pondage plant, with pondage values ranging from 100,000 to 500,000 acre-feet, depending on the controlled water level of the plant's forebay. In a "run of the river" plant the energy equivalent to water not going into the existing load curve is considered to be dump energy resulting from waste of water. In the case of a storage or pondage plant, a substantial part of such hypothetical wastage can be placed in storage or pondage, for use during other hours in a given season or week. Therefore, applying a load use percentage to the peak load, as was evidently done, cannot be taken as a measure of availability when applied to storage or pondage plants.

Another possible source of error could have arisen from the use of the 1947 Columbia River flows. That year's flows were abnormally high—so high that it was not necessary for the smaller tributary plants to carefully regulate their low-capacity reservoirs. Under normal, subnormal, or critical water conditions these smaller plants shut down during the graveyard shift to permit the reservoirs to fill up, and then call on the main river plants to carry this load through the use of excess water. To consider that such high-year excess is a measure of availability will result in injuries to the smaller plants located within the Columbia River Basin and can have an adverse effect on the entire region.

There are many other variable hydraulic considerations that enter into this complex problem, such as utilization of the flood seasonal flows in processing aluminum and other like defense materials, the loss of heads during flood flows, saving of oil in the steam plants of the Pacific Northwest, economic use of secondary water during subnormal and critical years, the advisability of the overinstallation of water wheels to provide seasonal power, the prior water rights in the watershed, the important elements of navigation, flood control, and reclamation, the effect on fish and wildlife, and many other related topics. Again, Bonneville sells power on a kilowatt-year rate and thereby contracts to serve around the clock. A substantial part of the power incorrectly designated as waste really belongs to the contractees and must be made available at their call. It will be a difficult matter to bring all the hydraulic and electric elements into one balance sheet for purposes of determining what is best for the various States. This can only be accomplished after detailed surveys and a complete analysis. Congress needs to be supplied with a substantial amount of additional information before it can accurately appraise this complex matter.

TRANSMISSION LINES

The justified economic transmission of export off-peak power presents almost as many complex variables as do the hydraulics of the situation. It is impossible, in such a discussion, to cover these points fully, as so much basic material governing such transmission is also not available. I can therefore only touch the high spots applying to the transmission of export power.

The air-line distance from the Grand Coulee plant to The Dalles, Oreg., is about 240 miles. The similar mileage from The Dalles, via Detroit, to Eugene, Oreg., is about 190 miles, and from Eugene to the California boundary is 180 miles. The air-line distance from the California boundary to the Shasta plant is about 100 miles. Transmission lines—especially in rough country—cannot follow the air lines and the route miles usually exceed the air-line mileage by some 10 to 20 percent depending on locations and terrain. The route mile distance from the Grand Coulee plant to the Shasta plant is therefore around 820 miles, and from The Dalles—the approximate lower river generation center when McNary Dam is completed—is approximately 540 miles.

Three hundred miles was formerly considered the economic transmission limit, but recent developments indicate that this limit may be economically increased to somewhere around 500 miles. Therefore, any economical export to California must come from the lower Columbia or lower Willamette plants when these are installed. This set-up can be accomplished through the displacement of energy. What power can be economically displaced and transmitted over such long distances is now an open question and must be tested out by models—especially since there will be take-offs along the route. Until such a test is made I do not feel that anyone is in a position to say that 50,000 kilowatts or 100,000 kilowatts, or even more, can be displaced over a single 220,000-volt line into California. Such capacity variations are of such proportions that any error made in this value can upset feasibility calculations. The short-hour use of such export power must also be considered, as there is a breaking point in feasibility calculations determined by the hour's use of the resulting investment.

All the existing transmission lines between the lower Columbia River and the Shasta plant are low-voltage lines. The capability of such lines is low, and the physical transmitting distance may be

below 150 miles. Appropriations for a 230,000-volt line are presently under consideration by the Congress. This 230,000-volt line extends from Goldendale, Wash., to Eugene, Oreg., via the Detroit plant now under construction. This line is not scheduled for completion until 1951. It is impossible to route such volumes of power via the Portland area on account of existing bottlenecks growing out of heavy demands in that area. It is apparent that any future lines routed towards the California boundary must be routed through The Dalles.

The existing transmission situation will therefore prevent an early solution of the interconnection problem. Accordingly there is sufficient time to make a thoroughgoing survey, analysis, and report on this problem which must be forthcoming before the proposal can be considered on its merits and the full effect on the long-time economy of the Pacific Northwest determined. The material that is available indicates that the interconnection proposal is a long-range matter which, to be effective, should await the completion of the McNary and the upstream storage plants.

H. R. 6367

The gentleman from California has introduced a bill, H. R. 6367, which embodies the proposals he outlined in the CONGRESSIONAL RECORD on April 12, 1948. I have gone over this bill and find that a sincere effort has been made in section 3 to meet the points I have raised in this discussion. Whether it does or does not can only be determined after a survey has been made and all the angles analyzed and a comprehensive report submitted to the Congress. There is so much involved in the proposal that the hearings on this bill should be so extensive that every interest involved can have its day in court.

This bill has been referred to the Committee on Public Lands, although my committee has long had jurisdiction and contact with all the phases affecting the Columbia River. There is a great deal more involved than reclamation and constitutionally I doubt that the reclamation aspects can govern. I trust that the Public Lands Committee will consider the limits of its jurisdiction and respect the long-established jurisdiction of my committee applying to the Columbia River.

CONCLUSION

Such facts as are available indicate that his matter cannot be considered as a problem susceptible of immediate solution. It is a long-range problem rather than a short-range problem. It contains so many variables that the full and long-time effect on the Columbia Basin can only be determined by a complete study and full and extended hearings. I have not discussed many other points covered by the gentleman from California. On the items omitted I feel that many of the points he raised have merit. I appreciate his position and respect his motives, but so much is involved that can affect the future destiny of the Columbia Basin that this bill must be given extraordinary attention. The mere shortness of this bill is no indication of the many far-reaching issues involved. We are here dealing with the transfer of benefits from a large interstate and international watershed to one which is intrastate. The long-conflicting experiences on the Colorado are certainly a precedent in such matters. The decisions of the Supreme Court affecting the transfer of benefits between watersheds suggest caution in handling such transfers.

I have no doubt but that the region I represent desires to help California and its neighboring States, but in so doing Oregon does not want to surrender any rights belonging to the people which may become extremely valuable in the distant future. I think that all who have some measure of responsibility in this matter wish to have extensive hearings on H. R. 6367.

Mr. JOHNSON of Indiana. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HOEVEN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 6500) making appropriations for the legislative branch for the fiscal year ending June 30, 1949, and for other purposes, had directed him to report the bill back to the House with the recommendation that the bill do pass.

Mr. JOHNSON of Indiana. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

RACING SHELLS

Mr. REED of New York. Mr. Speaker, I ask unanimous consent for the immediate consideration of the conference report on the bill (H. R. 5933) to permit the temporary free importation of racing shells.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent that the statement of the managers on the part of the House to read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 5933) to permit the temporary free importation of racing shells, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment to the text of the bill insert the following:

"SEC. 2. (a) Paragraph 1798 of the Tariff Act of 1930, as amended, is hereby amended by inserting, after the sixth proviso, the following: '*Provided further*, That in addition to the exemption authorized by the fourth preceding proviso, a returning resident who has remained beyond the territorial limits of the United States for a period of not less than twelve days, shall be permitted to bring into the United States up to but not exceeding $300 in value of articles (excluding distilled spirits, wines, malt liquors and cigars) acquired abroad by such resident of the United States as an incident of the foreign journey for personal or household use or as souvenirs or curios, but not bought on commission or intended for sale, free of duty: *Provided further*, That any subsequent sale, within three years after the date of the arrival of such returning resident in the United States, of articles acquired and brought into the United States pursuant to the provisions of the immediately preceding proviso shall subject the returning resident declaring the articles to double the import duty which would have been collected had this additional exemption not been in effect: *Provided further*, That the additional exemption authorized by the second preceding proviso shall apply only to articles declared in accordance with regulations to be prescribed by the Secretary of the Treasury by such returning resident who has not taken advantage of the said exemption within the six-month period immediately preceding his return to the United States:'.

"(b) The amendment made by subsection (a) shall be effective with respect to articles declared on or after the day following the date of enactment of this Act."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

DANIEL A. REED,
ROY O. WOODRUFF,
BERTRAND W. GEARHART,
R. L. DOUGHTON,
JERE COOPER,
Managers on the Part of the House.

EUGENE D. MILLIKIN
By O. B.,
O. BREWSTER,
ALBEN W. BARKLEY,
Managers on the Part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5933) to permit the temporary free importation of racing shells, submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The Senate amendment to the text adds a new section to the bill as it passed the House, which section amends paragraph 1798 of the Tariff Act of 1930, as amended. Paragraph 1798 permits a resident of the United States to bring into the country, free of duty, up to but not exceeding $100 in value of articles (including distilled spirits, wines, and malt liquors aggregating not more than one wine gallon and including not more than 100 cigars) which are acquired abroad by such resident as an incident of a foreign journey for personal or household use or as souvenirs

or curios, but not bought on commission or intended for sale. This exemption may be utilized only by a returning resident who has not taken advantage of the exemption within the 30-day period immediately preceding his return to the United States. To be eligible for the exemption the returning resident must have remained abroad for not less than 48 hours, if the articles to which the exemption is to be applied have been acquired in any country other than a contiguous country which maintains a free zone or free port. If the articles have been acquired in a contiguous country which maintains a free zone or free port the period of absence is specified in special regulations prescribed by the Secretary of the Treasury under the statute but must not exceed 24 hours.

The amendment to paragraph 1798 made by the Senate amendment provides an exemption of $500, in addition to the $100 exemption, for a returning resident who has remained abroad for a continuous period of at least 12 days. This additional exemption may be utilized by a returning resident only once within any 6-month period, and may not be applied to distilled spirits, wines, malt liquors, and cigars. The amendment also provides that if a returning resident who takes advantage of this additional $500 exemption sells, within 3 years, any article brought into the United States free of duty under the exemption, he shall be subjected to double the import duty which would have been colleced on such article had the additional exemption not been in effect. The amendment also provides that the additional exemption shall apply only to articles declared in accordance with regulations prescribed by the Secretary of the Treasury.

The House recedes with an amendment which fixes the amount of the additional exemption at $300, in lieu of the $500 provided in the Senate amendment, which limits the application of the amendment to paragraph 1798 to articles declared on and after the day following the date of enactment of the bill, and which makes minor clarifying changes in the Senate amendment.

Amendment to title: This is a technical amendment, necessitated by the amendment of the Senate to the text of the bill. The House recedes.

DANIEL A. REED,
ROY O. WOODRUFF,
BERTRAND W. GEARHART,
R. L. DOUGHTON,
JERE COOPER,
Managers on the Part of the House.

The conference report was agreed to.

A motion to reconsider was laid on the table.

Mr. REGAN. Mr. Speaker, this conference report on H. R. 5933 provides for the importation of an additional $600 value in merchandise per annum with certain restrictions, free of duty, by any citizen of the United States, on the theory that it will aid foreign and friendly countries through the greater distribution of our dollars in such countries.

This additional $600 will make a total of $1,800 in merchandise that any citizen may bring into our country free of duty each year.

My past votes on measures for relief of our friendly countries is adequate evidence of my desire and willingness to aid these countries in distress, but, Mr. Speaker, are we not extending ourselves too far in following the recommendations of the various travel agencies in granting this additional show of liberality to the great harm and loss of business to our border merchants?

These merchants that have been and are being taxed to support the recovery plan are now to suffer the additional loss of business and unjustifiable competition.

These same merchants for whom I make this plea have already suffered and are suffering a great loss of business through the import restrictions placed on their merchandise by our border Republic.

I protest with all my vigor the adoption of this conference report on H. R. 5933.

CALL OF THE HOUSE

Mr. MARCANTONIO. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. The Chair will count. [After counting.] Ninety-four Members are present, not a quorum.

Mr. HALLECK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 62]

Abernethy	Griffiths	Mundt
Anderson, Calif.	Hartley	Murdock
Battle	Hébert	Norrell
Bell	Hedrick	Pfeifer
Bender	Hendricks	Phillips, Tenn.
Boykin	Jarman	Ploeser
Bramblett	Jennings	Plumley
Bulwinkle	Johnson, Okla.	Powell
Butler	Johnson, Tex.	St. George
Celler	Kearney	Scoblick
Clark	Kearns	Sheppard
Clevenger	Kee	Sikes
Clippinger	Kefauver	Smith, Ohio
Cravens	Keogh	Stigler
Davis, Tenn.	Kirwan	Stratton
Dawson, Ill.	Klein	Taylor
D'Ewart	Lane	Thomas, N. J.
Dirksen	Lea	Trimble
Donohue	Lichtenwalter	Welch
Dorn	Lusk	West
Douglas	Lyle	Whitaker
Engle, Calif.	Meade, Md.	Whitten
Fisher	Miller, Calif.	Winstead
Fogarty	Morrison	Wood
Gallagher	Morton	
Gore	Multer	

The SPEAKER. On this roll call 354 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EXTENSION OF REMARKS

Mr. BLOOM asked and was given permission to extend his remarks and include an editorial.

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include an article by Guy E. Wyatt.

Mrs. SMITH of Maine asked and was given permission to extend her remarks in the RECORD and include a letter and her reply thereto, and a resolution.

Mr. ARNOLD asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. JAVITS asked and was given permission to extend his remarks in the RECORD.

Mr. COLMER asked and was given permission to extend his remarks in the RECORD and include an editorial.

Mr. MADDEN asked and was given permission to extend his remarks in the RECORD and include a newspaper article.

Mr. KELLEY asked and was given permission to extend his remarks in the RECORD and include an editorial.

MAKING AVAILABLE TO CONGRESS INFORMATION FROM EXECUTIVE DEPARTMENTS

Mr. HOFFMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the joint resolution (H. J. Res. 342) directing all executive departments and agencies of the Federal Government to make available to any and all standing, special, or select committees of the House of Representatives and the Senate, information which may be deemed necessary to enable them to properly perform the duties delegated to them by the Congress.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of House Joint Resolution 342, with Mr. ALLEN of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, May 12, there was pending an amendment offered by the gentleman from Ohio [Mr. BROWN] to the committee amendment on page 3 of the bill.

Without objection, the Clerk will again read the amendment offered by the gentleman from Ohio.

There was no objection.

The Clerk again reported the amendment.

Mr. LANHAM. Mr. Chairman, I move to strike out the last word and rise in support of the amendment.

Mr. Chairman, on yesterday the gentleman from Oklahoma [Mr. RIZLEY] made the statement that the gentleman from Virginia [Mr. HARDY], the gentleman from Texas [Mr. WILSON], and I had signed the majority report. That statement is correct. But in that connection I want to read into the RECORD a portion of the report with reference to our signing of it:

> The committee was unanimously of the opinion that, if legislation of this type was to be enacted, the proposed resolution, as amended, was the fairest type of a bill that could be enacted into law. Upon roll call, 17 Members voted to report out the resolution as amended. Four, Mr. BOGGS, Mr. LANHAM, Mr. HARDY, and Mr. WILSON, who voted in the affirmative, reserved the right to offer amendments or to oppose the legislation upon the floor, if upon further consideration, they deemed that course advisable.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I gladly yield to the gentleman.

Mr. HOFFMAN. The gentleman is reading from the majority report?

Mr. LANHAM. Yes.

Mr. HOFFMAN. That is a correct statement, is it not?

Mr. LANHAM. Yes. I just wanted to get it into the RECORD again because several Members have asked me about it.

I want to say that when this resolution was before the committee, it was approached not from any political angle, but because we all recognized that there was a deep and significant question involved. Knowing the work that our distinguished chairman, the gentleman

from Michigan [Mr. HOFFMAN] had put on the resolution, we felt that the matter should be passed upon by the House. But realizing that we were getting into the twilight zone or no-man's land where the question of the extent of the power of the executive department and of the legislative department was not clearly defined, some of us were uncertain about the wisdom of the legislation. But we did think that the House should be allowed to pass upon it. That is why I and others voted that the resolution be reported out favorably. However we reserved the right, as you will see from the report, to oppose the resolution on the floor of the House.

Since the debate on yesterday, I have become convinced that the dangers in the resolution far outweigh any benefits that the Congress might reap from the enactment of this legislation. Therefore I shall oppose the resolution and vote against it.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. BROWN of Ohio. The gentleman, however, is not opposed to the amendment, as I understood him to say at the outset of his remarks?

Mr. LANHAM. No; I favor the amendment. I think the amendment ought to be adopted.

The thing that finally convinced me that we ought not to enact this legislation was the fact that the gentleman from Ohio objected to and the Committee of the Whole voted down the amendment offered by the gentleman from Florida [Mr. ROGERS] which would have required a vote of two-thirds of the Committee before any executive department could be required to furnish confidential information.

Mr. BROWN of Ohio. Will the gentleman yield further?

Mr. LANHAM. I yield.

Mr. BROWN of Ohio. The gentleman, of course, realizes that the resolution provides that the Speaker of the House must also approve the action of the committee, which is another safeguard against any wrongdoing.

Mr. LANHAM. I agree with the gentleman, and if those safeguards had not been in the bill I would never have signed the report asking that it be reported.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. LANHAM. I yield.

Mr. McCORMACK. In practical operation we simply take away from the President the power granted to him under the Constitution and transfer it to the Speaker of the House and the Presiding Officer of the Senate.

Mr. LANHAM. I think that is a fair interpretation of the provision referred to.

Mr. BROWN of Ohio. Of course, whenever the House or Senate wishes to take action, it is the usual procedure to have the Speaker or the President of the Senate, rather than the President of the United States, approve any legislative action.

Mr. LANHAM. That is true. But I think here we are probably invading the executive field.

Mr. McCORMACK. That is the case, where the Speaker transmits, but this language says the Speaker must approve. "Upon approval of the Speaker." That is an entirely different proposition from the Speaker transmitting.

The CHAIRMAN. The time of the gentleman from Georgia [Mr. LANHAM] has expired.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that all debate on this particular amendment close in 15 minutes, the last 5 minutes to be reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan [Mr. HOFFMAN]?

There was no objection.

The CHAIRMAN. The gentleman from New Mexico [Mr. FERNANDEZ] is recognized for 5 minutes.

Mr. FERNANDEZ. Mr. Chairman, I was puzzled yesterday when the gentleman from Indiana [Mr. HALLECK] and the gentleman from Ohio [Mr. BROWN] extolled the virtues of the Members of Congress and of the Congress as a whole, and then turned right around and asked us to vote for this bill which provides for fines and imprisonment of Members of Congress and their staffs if they discuss information presented to committees. That is all this resolution does—an unprecedented thing.

If the Congress has the right to demand any and all files it sees fit from the Secretary of State and the Secretary of the Armed Forces and other members of the Cabinet, it has that right already. If it does not have that right, then passing this law will not give it to Congress. In either event, this law is in effect meaningless except for the penalty provisions which would apply to information requested and voluntarily furnished by those departments.

In fact, I think this resolution has only one purpose. It places many of us in the position of darned if you do and darned if you do not. If we vote for it, our action will be hailed to the country as one condemning the President for doing what every President has done—protected the rights of the Executive from encroachment by the legislative branch. If we vote against it, it will be argued that we have something to conceal. Pardon me for saying so, but it is purely a political resolution.

I know that the gentlemen on the left of the aisle who are supporting this resolution do not like what I say. We do not like some of the things they have said here.

All this political bickering is not conducive to the welfare of the country. I propose that we Democrats make you Republicans a sporting proposition—a sporting proposition once suggested by an old pioneer from New Mexico.

Back in the Territorial days of New Mexico, two pioneers, James Hagerman and Charles Eddy, were bosom friends and contributed greatly to the development of the State. They prospered as the State prospered. But in time they became separated and ended by being bitter enemies.

Hagerman had gone to New York to interest capital in the building of a railroad from Roswell to Amarillo. He spent many months in New York interviewing capitalists and bankers. In the course of his rounds promoting his railroad, Hagerman was surprised to learn that his old friend, Charles Eddy, was also in New York attempting to promote another railroad in the same area. He did not like some of the things that Eddy was saying about him and he finally wrote his former friend, Eddy, a letter in which, after reciting the things that Eddy had been doing and the things that Hagerman thought he should not have done, Hagerman ended his letter to Eddy with these words:

> Now, we should have peace between us, until this promotion is ended. Our attitude is hurting New Mexico and I make you this proposition: If you will quit telling lies about me, I will quit telling the truth about you.

The CHAIRMAN. The gentleman from Massachusetts [Mr. McCORMACK] is recognized for 5 minutes.

Mr. McCORMACK. Mr. Chairman, I can wholeheartedly support this amendment, and I congratulate my friend from Ohio, although his consideration and action was delayed in awakening to the danger that this bill carried to the press, and its violation of one of the great fundamental rights guaranteed by our Constitution.

During the 14 years of Democratic control of the House and the Congress there has never been a bill reported out that even remotely invaded the freedom of the press. Despite the fact that 84 percent of the press are against the Democratic Party, we have always insisted that the provisions of the Constitution be strictly adhered to. I was most amazed when the Republican members of the committee reported out this resolution with this amendment in it because the language very clearly showed that it covered everybody, and that included the press. So I urge the adoption of this amendment. After the amendment is adopted then the only one to be subject to its provisions and who can be prosecuted or jailed will be Members of Congress.

Mr. GAVIN. And their employees.

Mr. McCORMACK. Oh, wait a while—and the employees of the committee. But you do not suppose anybody is going to indict or prosecute a poor employee of a committee? And, particularly, they would be very very limited as employees of the committee are limited in number in relation to the members of the committee. So for all practical purposes after this amendment is adopted, and I strongly urge its adoption, and I am confident it will be adopted, the only ones subject to the penalty will be Members of Congress.

I hope that after we adopt the amendment and preserve the freedom of the press if I am a member of any committee that votes to make anything confidential, that the press will not come around bothering me because they might help put me in jail after I have helped keep them out of the possibility of going to jail. So any time I am on a committee and this question comes up I am going to put a big sign outside my door: "The press will not be admitted." I will have to do this for my own protection.

Furthermore, I want to suggest to the members of the press now that we are saving them, that after this is adopted and if this bill should ever become law and they are free, that if any committee should vote to impose a confidential character on any matter, do not come around to any Member of Congress and use the power of the press upon him because I am afraid then they might go after the Member of Congress and the member of the press on a conspiracy charge, because a conspiracy is still a crime and anybody who participates in a conspiracy to make known information that is confidential with a Member of Congress is guilty of a conspiracy whether he is a member of the press or not.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. BROWN of Ohio. Let me say to the gentleman from Massachusetts that as a colleague in Congress and also as a newspaper publisher I shall be very happy to use whatever influence I have toward keeping him out of jail in the future. I am sure he will remain out of jail.

Mr. McCORMACK. That is fine, because my friend means it. His solicitude for me pleases me.

Mr. BROWN of Ohio. May I say to the gentleman that I will be very happy any time it is necessary to go the gentleman's bond during trial to do so. I would do that for any friend.

Mr. McCORMACK. I admire a man who has the courage to do that.

In conclusion, I want to congratulate the Members of the House for exempting the press from the possibility of going to jail. I hope they will not engage in any conspiracy and I also hope they will not try to put any of us in jail if this resolution should ever become law.

The CHAIRMAN. The Chair recognizes the genteman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, I am sure the gentleman from Massachusetts, the minority whip, will agree with me that throughout consideration of this resolution by the committee the partisan angle was not injected, was it?

Mr. McCORMACK. The gentleman wants an answer for the RECORD?

Mr. HOFFMAN. Yes or no.

Mr. McCORMACK. There was no partisan consideration.

Mr. HOFFMAN. The first I ever heard of this partisan political angle was when we got this resolution on the floor.

Mr. McCORMACK. What partisan angle?

Mr. HOFFMAN. The one the gentleman from New Mexico was speaking about.

Mr. Chairman, I am not opposing the pending amendment. In an effort to save the Government a little money I drafted this resolution myself. So I went back to the precedents and I hauled down the code. There in section 55, title XXVI, subsection (f) and subsequent sections I found where the New Deal—the Democratic administration, pardon me, you do not disown it—had written into law years ago—it seems years ago, it was only 10—the same provision that I wrote into this resolution.

The gentleman from Massachusetts [Mr. McCORMACK] yesterday, perhaps inadvertently, expressed the thought that Members of Congress were afraid of the press and thought this provision ought to come out, although he did accept my word that Members of Congress were not fearful. "Brutus was an honorable man." We are all courageous men. We may perhaps be a little timid at times.

I call your attention to the fact that while the gentleman has made an oration here about only Members of Congress and employees of committees now being subjected to a penalty, he is one of the opponents of this bill. In my ignorance, in my lack of wisdom and experience, I thought anyone who disclosed this confidential information ought to be subjected to some penalty. As a Member of Congress, I have no objection to subjecting myself to a criminal penalty if I disobey the laws of the land and I am sure upon mature consideration the gentleman from Massachusetts would not have any objection to that either.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Of course, under the provisions of this bill the only persons who will have access to any of this confidential information in the executive branch of the Government will be members of committees and the employees of committees.

Mr. HOFFMAN. And Drew Pearson.

Mr. BROWN of Ohio. Probably. Therefore, if any member of a committee makes this information public he should be subjected to the penalty.

Mr. HOFFMAN. The only reason this legislation is here, at least so far as I am concerned, and I have had something to do with starting it to rolling, is because in recent years the freedom of the press and of the people to information and the right of the Congress to information has been denied, and I may say to the gentleman from Massachusetts, denied by the executive departments and your President, and, may I add, my President? That is the only reason that this legislation has been found necessary. Yesterday, the gentleman said that 79 Congresses—I know you do not like it, but we love each other.

Mr. McCORMACK. Let me say that I have the greatest respect for my friend from Michigan; one man who is intellectually honest.

Mr. HOFFMAN. And being a good Republican, your feeling is reciprocated—reciprocity is good Republican doctrine you know.

The gentleman said yesterday that 79 Congresses had never found this type of legislation necessary. That is right. Seventy-nine Congresses never were gagged and never were denied information essential to legislation, as has the Eightieth Congress.

I doubt the fairness and wisdom of the amendment. Because compromises are sometimes necessary, I do not oppose it.

Mr. DONDERO. Mr. Chairman, I ask unanimous consent that the amendment be again read.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BROWN] to the committee amendment.

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment as amended.

The committee amendment was agreed to.

Mr. SMITH of Ohio. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Ohio: On page 3, line 8, after the word "confidential" delete the comma and insert in lieu thereof a period, and strike out the remainder of line 8 and all down to and including line 21.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN. Mr. Chairman, the gentleman from Indiana [Mr. HALLECK] well and ably expressed and condemned the thought that has been in the minds of altogether too many people. Too many of the opponents of this bill seem to have it in their minds. I am not referring to the Members of the House, I am referring more particularly to the members of the press, who have made a great deal of adverse comment on it. There seems to be an impression somewhere that because a man was elected by his constituents to serve as a Member of this body he was no longer worthy of trust and confidence; that he himself did not have any discretion or did not possess loyalty to as great a degree as those in the executive departments who now maintain an abridgement of the press which we who support this legislation seek to at least partially end. I resent that. I do not care so much about myself, but that assumption is an insult to my people, and it is an insult to the people of every man who has been here more than one term. It is an intimation that they elect to Congress men who are disloyal, who are loose-mouthed, "blabber-mouths," who do not have the good sense, judgment, and courage to keep to themselves information which should be confidential. That is what it is. Are we not ready and willing to obey the criminal laws?

Why should we ask exemption from penalties which apply to others?

The gentleman from Ohio [Mr. SMITH] said that if this provision went through, Members of Congress should go home. I say that when the day comes that a Member of Congress is not willing to apply to himself the same penalties he seeks to impose on others he better go home and he better stay there. This provision is of no value unless we put some penalties in for those who violate it.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Of course, this section applies only if Members of Congress have obtained this information after going through the full procedure

provided in this resolution, and then disclose information that the majority of the committee has decided is confidential.

Mr. HOFFMAN. And that the Speaker has decided is confidential. I say a man that turns that out ought to have some penalty inflicted on him.

Mr. BROWN of Ohio. A Member of Congress is not an employee of the United States, he is an officer of the United States, and he can be removed only by action of the House.

Mr. HOFFMAN. Yes; and a Member of Congress can without subjecting himself to that penalty come on the floor of the House, if he is that kind of an individual, and disclose anything, and the only penalty would be discipline or expulsion by the House.

As I stated before, the same provision is in our revenue law. There is a penalty there, and it applies to Congressmen, and the Supreme Court of the United States has so ruled. So where is the danger?

Mr. BROWN of Ohio. The adoption of this amendment, of course, would be saying to the country that the Congress did not want to take any responsibility under the Criminal Code for the observance of this law.

Mr. HOFFMAN. Yes, we would be making employees responsible, but not the Members of Congress. With that I cannot agree.

The CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Ohio [Mr. SMITH].

The question was taken; and on a division (demanded by Mr. SMITH of Ohio) there were—ayes 31, noes 85.

So the amendment was rejected.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, there has been a misapprehension which I feel ought to be cleared up in the minds of the Members because the provisions of the Internal Revenue Code have been referred to several times. Congress has made income-tax returns secret. If Congress had not by affirmative act and specific legislation in the revenue acts in the past provided for secrecy, income-tax returns would be made public. So we made them secret. Then the Congress had to provide something to protect that secrecy. That is entirely different from the situation that exists today. The gentleman from Michigan has referred to the remarks made by the majority leader on yesterday about the lack of confidence of the Congress in Members. I agree with the gentleman from Michigan [Mr. HOFFMAN], and we all do, but that is a part of the journey of life and especially a part of public life. No matter how much we deplore it, we are not going to meet it except by example on our own part. But in connection with the provisions of the bill now confined to Members of Congress and members of the staff, and for all practical purposes, Members of Congress, I think keeping this in is an admission on our part that we cannot repose confidence in our own Members. Certainly I think the gentleman from Ohio [Mr. SMITH] made a very able argument in support of his amendment. We must have confidence in ourselves. Yet providing a criminal penalty denies that very fact. We are the only ones left who can be prosecuted.

It does not bother me much because by the time this becomes law, and I cannot see it for many years to come, if it ever does become law, the chances are that I will not be subject to its provisions.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HOFFMAN. Has not the gentleman from Massachusetts opposed this resolution on the theory that confidential information should remain in the executive departments because if it came to Congress, the Members would divulge it?

Mr. McCORMACK. No; I have not opposed it on that theory at all. I have opposed it on the ground the independence of the executive branch is dependent upon that branch having that power it has exercised heretofore the same as we have to have certain powers to keep our independence.

Furthermore, what is the greatest punishment that a member of a legislative body can get? Censure by his fellow members, or expulsion. Usually, there must be a serious act before a legislative body will go to the length of expulsion, but censure by fellow members is a very serious punishment. If any Member violated a confidence, if this resolution should become law, we have within our power the greatest means of punishment, public censure or expulsion. I do not care whether this provision, section 2, remains in the resolution or not. I am opposing the resolution for fundamental reasons. I hope that for our own respect, when this resolution goes back to the House there will be a separate vote on this amendment and the amendment will be defeated, because, in a sense, section 2 is unnecessary to this resolution.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. McCORMACK] has expired.

Mr. KNUTSON. Mr. Chairman, I offer an amendment which is at the desk.

The Clerk read as follows:

Amendment offered by Mr. KNUTSON: On page 3, line 22, strike out "SEC. 3" and insert "SEC. 4." "SEC. 4. Nothing contained herein shall alter the procedure for inspection of tax returns by committees of Congress prescribed by section 55 (d) of the Internal Revenue Code."

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield for a unanimous-consent request?

Mr. KNUTSON. I yield.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that all debate on this amendment close in 15 minutes, the last 3 minutes to be reserved for the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HOFFMAN. I do not expect to oppose the amendment.

Mr. KNUTSON. Then, there is no use arguing it, but I would like to ask, Mr. Chairman, that the section be numbered "3" instead of "4," because there is a section 4 in the bill.

This amendment merely strikes out the present section 3 and substitutes the language which the Clerk has just read.

The CHAIRMAN. Does the gentleman want the amendment to follow page 3, line 21?

Mr. KNUTSON. Yes.

Mr. NICHOLSON. Mr. Chairman, I raise a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. NICHOLSON. I make the point of order that this amendment is not germane to this bill. It brings in a matter which concerns something that is already on the books and amends that law.

Mr. COOPER. Mr. Chairman, I make the point of order that the point of order comes too late and it is not any good anyway.

The CHAIRMAN. The Chair is ready to rule. The Chair will hold that the amendment is germane and overrules the point of order.

Mr. JAVITS. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. KNUTSON. I yield.

Mr. JAVITS. Have we passed section 2? My amendment was to section 2. I understood the gentleman's amendment succeeds section 2.

The CHAIRMAN. We have passed section 2.

Mr. JAVITS. The last amendment was offered by Dr. SMITH to section 2, and I understood we were still on that section and I rose to offer an amendment to section 2.

The CHAIRMAN. Section 2 is a committee amendment and has been adopted and is not subject to amendment.

Mr. BROWN of Ohio. Mr. Chairman, on behalf of the committee, the committee will accept the amendment offered by the gentleman from Minnesota [Mr. KNUTSON]. It is a worth-while amendment.

Mr. KNUTSON. In view of the broad-minded attitude of the committee in accepting the amendment, I will not take any more time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. KNUTSON].

The amendment was agreed to.

Mr. HOFFMAN. Mr. Chairman, there is a committee amendment on the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. HOFFMAN as a committee amendment: Page 3, after line 21, insert the following new section.

"SEC. 5. If any provision of this joint resolution, or the application of such provision to any person or circumstances, is held invalid, the remainder of the joint resolution or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby."

And change the numbers of the succeeding sections accordingly.

The CHAIRMAN. The gentleman from Michigan is recognized for 5 minutes.

Mr. HOFFMAN. Mr. Chairman, since this is merely a perfecting amendment, I do not care to spend time on it.

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

Mr. SMITH of Ohio. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SMITH of Ohio. Do I understand we have passed section 2? Have we passed section 2?

The CHAIRMAN. Section 2 has been adopted as a committee amendment. We have passed section 2.

Mr. McCORMACK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCORMACK. I do not know whether any Member desires to offer an amendment to section 2, but I wish to ask the Chair in connection with it as a matter of preserving the rights of any Member who wishes to offer an amendment to section 2—my distinct recollection is that the committee amendment was agreed to. Thereafter the gentleman from Ohio [Mr. SMITH] offered his amendment. A point of order could have been made then, I realize. None was made, however, and the amendment was adopted and acted upon, which was proper.

In the light of the foregoing, I ask the Chair whether or not that by implication constituted Committee consideration of the previous section; also that other Members who desire to offer amendments to section 2 may be permitted to do so.

The CHAIRMAN. No; the Chair will state to the gentleman from Massachusetts that does not. The gentleman could ask unanimous consent to return to section 2 for that purpose.

Mr. McCORMACK. I simply wanted to keep the RECORD straight. The Chair has made his ruling, and a correct ruling, in my opinion, in view of the circumstances. I wanted the RECORD clear, and a ruling of the Chair, which I understand and appreciate.

Mr. COMBS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COMBS. I have an amendment to offer as a new section following section 2. I wish to inquire as to whether it would be proper to offer this amendment as soon as these committee amendments have been disposed of.

The CHAIRMAN. The Chair would state to the gentleman that that would be the proper time for the gentleman to be recognized.

Mr. HOFFMAN. Mr. Chairman, I have another committee amendment at the Clerk's desk.

The Clerk read as follows:

Committee amendment offered by Mr. HOFFMAN: On page 3, lines 24 and 25, strike out the words "This resolution shall become effective within 10 days after its adoption" and insert in lieu thereof "This joint resolution shall become effective on the 10th day after the date of its enactment."

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. HOFFMAN. The amendment in no way changes the meaning. It is merely language suggested by the drafting service to perfect the resolution.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

Mr. COMBS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COMBS: Page 3, strike out lines 22 to 25, inclusive, and insert in lieu thereof the following:

"SEC. 3. There is hereby created a joint committee to be composed of three Members of the Senate, to be appointed by the President or President pro tempore of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker or Acting Speaker of the House of Representatives. It shall be the duty of the joint committee to formulate and present, not later than 90 days after the date on which this joint resolution becomes effective, to the Senate and to the House of Representatives, for adoption, such rules as the joint committee may deem advisable with respect to the powers, duties, and procedures of all committees of either House under this joint resolution.

"SEC. 4. Any and all laws, rules, or regulations in conflict with this joint resolution are hereby repealed.

"SEC. 5. (a) The powers of committees with respect to obtaining information, books, records, and memoranda in the possession of or under the control of any executive departments, agencies, Secretaries, or individuals, shall not be effective prior to the adoption by both Houses of Congress of rules relating to the powers, duties, and procedures of committees under this joint resolution.

"(b) This joint resolution shall become effective within 10 days after its adoption."

Mr. HOFFMAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. Mr. Chairman, the amendment now proposed is an amendment to a section which we have passed. It changes the procedure by which the Congress seeks to get this information, and, in addition to that, it is an attempt to overrule the rules of the House or change the rules of the House as to the functioning of legislative committees.

Mr. COMBS. Mr. Chairman, may I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. RAYBURN. Mr. Chairman, is the Chair going to rule on the point of order? Of course, this amendment is not subject to a point of order because it has to do with the procedure of special committees of the House. That is what we are talking about here, and that is what we are legislating in reference to.

Mr. COMBS. May I be heard on the point of order?

The CHAIRMAN. The gentleman is recognized.

Mr. COMBS. First, I want to say, in reply to the gentleman from Michigan [Mr. HOFFMAN], that the amendment I have offered is not an amendment of a section which we have passed. It proposes the addition of sections following section 2, which we have just finished considering. It is, therefore, timely. I want to make a further observation with regard to the germaneness of my amendment. It does not propose, as the gentleman from Michigan contends, to change the rules of the House nor to bypass the Rules Committee. It proposes simply to provide special rules to govern committees in the exercise of the special powers granted by the very resolution we are now considering. The fact that it provides for a special joint committee to formulate such rules and submit them to the House and Senate for consideration and adoption does not, in my opinion, constitute the setting up of the kind of joint committee that would violate the rule of germaneness. The sole function of the committee provided for would be to devise and propose a set of rules for House and Senate consideration.

Mr. HOFFMAN. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN. The gentleman is not speaking on the point of order. He is speaking on his amendment.

The CHAIRMAN. The gentleman will speak on the point of order.

Mr. COMBS. Mr. Chairman, with all due respect, I think I am speaking on the point of order. The point made is that my amendment is not germane to the resolution under consideration. I am simply stating what my amendment proposes in order that I may point out that what it proposes is germane to the resolution, because it would simply implement the resolution by providing orderly procedures for the exercise by committees of the very powers of investigation conferred upon them by the pending resolution. Thus, the amendment seeks to set up a procedure to guide the committees in doing the very things which the resolution before us empowers them to do. At present there are no suitable or adequate rules under which the committee can proceed. Such rules are necessary.

Mr. Chairman, may I say that I confined the amendment purely to the procedure applicable to this resolution so that it would be germane. I have introduced a resolution today providing for a similar committee to develop rules applicable to all committee investigations, and Heaven knows we need that.

The investigating function of Congress is important. Congressional investigations, conducted of course through appropriate committees, are necessary not only to develop information for the guidance of Congress in the formulation of legislation but in certain instances for the information of the American people. Certainly Congress has the power to make appropriate investigations of the departments and agencies under its jurisdiction and their officials. And it also rests under the duty of making such investigations when needed.

In recent years the investigative activities of the Congress and its committees, both standing and special, have increased enormously—yet the rules of the House designed primarily to promote the legislative procedures have not been amended so as to provide any adequate procedure for the governing of committees in making investigations.

This has caused much public criticism of Congress—criticism that can be avoided if suitable procedures are developed, adopted, and enforced.

Courts have rules to govern the investigations they make. They have rules that protect the secrecy of grand jury investigations, rules which govern the appearance of witnesses and the production of documentary evidence. These rules make it possible to conduct court inquiries in an orderly manner to secure information and to develop facts. They also provide for the adequate protection of witnesses summoned before the grand juries and before the courts. We need similar rules, adapted of course to the committee type of investigation, to govern the activities of Congress through its committees.

The promulgation of such rules will require careful thought and study by a small but capable committee which in turn can submit its recommendations and suggested rules to the House and Senate for consideration and adoption. It is the best way to get the job done and, in my judgment, the only way we are likely to get it done. The resolution I introduced today, and which I referred to a few minutes ago, if enacted will get the job done.

We must not forget that when a congressional committee makes an investigation it is acting in the name of and under the authority of the body which creates it. We, in the Congress, cannot escape our responsibility in this regard if we would and we should not want to do so.

At the present time it is possible for the numerous committees of the Congress, without any coordinated system or plan, to summon department heads and other responsible officials before them day after day. We need to bring some kind of order out of the chaos that is thus created. This situation, unless remedied, may continue to enlarge its scope and the numerous committee activities until it seriously interferes with the executive departments of the Government in the performance of their duties. We owe it to ourselves, to the prestige of the Congress of the United States, and to the American people to establish orderly and sensible rules.

As for the amendment I have offered to the pending resolution it would make a beginning in the right direction. I want to state frankly that I am opposed to the resolution because, in my judgment, it is clearly unconstitutional. In addition, it would set a dangerous precedent of the legislative branch of the Government invading the jurisdiction of the executive branch of the Government. But while I am opposed to the resolution, apparently a majority of you intend to support it. And if you are going to enact it into law by all means let us at least provide for the setting up of an orderly procedure to govern the committees in the exercise of the powers the resolution would confer upon them.

Mr. BROWN of Ohio. Mr. Chairman, may I be heard?

The CHAIRMAN. The Chair recognizes the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, as I understand the gentleman's amendment it proposes that we set up a joint committee which would change the rules of the House and the rules under which the standing committees of the House—not special committees of the House and Senate but the standing committees—would operate, therefore a point of order would lie against the amendment.

The CHAIRMAN (Mr. ALLEN of Illinois). In the opinion of the Chair, this amendment would create a joint standing committee. It would take away the authority of the Rules Committee which under the rules of the House has jurisdiction over this subject. The Chair therefore holds that the amendment is not germane and sustains the point of order.

Mr. HERTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HERTER: Page 3, after line 21, insert the following:

"SEC. 3. It shall be unlawful for any individual, while or after holding any office or employment under the United States Government, to appropriate or take custody of, for his own unofficial use or the unofficial use of any other person, any papers, documents, or records (other than those which are of a character strictly personal to him) to which he has or had access solely by reason of holding or having held such office or employment. Any individual who willfully violates this section shall, upon conviction thereof, be punished by a fine not exceeding $1,000, or by imprisonment for not exceeding 1 year, or both, at the discretion of the court.

"And change the numbers of succeeding sections accordingly."

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. HERTER. I will be happy to yield.

Mr. HOFFMAN. The committee will be glad, after hearing the gentleman, to accept his amendment.

Mr. HERTER. I am very grateful to the gentleman for that contribution.

Mr. Chairman, this amendment is intended to get at an abuse which has arisen over a great many years, not necessarily maliciously, but in many cases to the detriment of the public interest. Officials of the Government, particularly high officials of the Government—and this has taken place over a great many years—have gone out of office or have left office and taken with them papers which should be state papers, and which they have later turned to their own advantage through publication or through other use. As a matter of fact, only recently an extremely embarrassing situation occurred as the result of official papers being considered the personal property of high officials. Shortly after the cessation of hostilities, the Russians occupied the Kurile Islands. The question was raised from time to time under what authority they had occupied that particular piece of land very close to the Alaskan chain of islands. The United States Government alleged that the Russians did so without any agreement on the part of the United States. Moscow radio replied saying that that occupation was in conformity with an agreement reached between President Roosevelt and Stalin.

The State Department denied that any such agreement had ever been reached. Later, however, on making inquiry at the White House, it was found that a high official of the White House had a carbon copy of such an agreement. No one has ever yet been able to get at the original because all the official papers were removed from the White House and are now in packing cases at Hyde Park and no one has access to them, because the trustees to whom they have been turned over feel that they are no longer public documents. I am not saying this for partisan political reasons. The same thing has happened in Republican administrations as well as Democratic administrations. High Government officials, particularly Cabinet officers, have left office and have taken with them official papers feeling that when they left office they had a right to clean out all the files. They are, of course, entitled to all of their private papers, and that is entirely proper. They are even entitled, if they wish so to do, to take carbon copies. This particular amendment will affect only the original documents which in many cases are not copied and not available elsewhere except in the top official files. This would maintain these papers for the proper purpose for which they are intended, namely, the conduct of the public business.

I hope, therefore, that the amendment will be adopted.

Mr. SMITH of Ohio. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the language which I sought to have stricken from the pending bill can have the effect of reflecting upon the integrity of Members of Congress, in my opinion. The high office held by the lawmakers of the United States should not be subjected to the possibility of such a stigma. The idea is so repugnant to my sense of duty and the trust vested in me that I shall now be constrained to vote against the bill.

Mr. CHURCH. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I spoke briefly yesterday, and I shall not take much time today. The need of legislation which House Joint Resolution 342 aims to provide is emphasized by the excellent and timely story of "an invisible government in the United States," appearing in the Chicago Daily Tribune this morning. I have obtained unanimous consent to include it, and it will appear at the end of my remarks. I urge every Member to read this factual story by James Doherty. The first page headline reads: "Parole scandal reveals Capone gang's crime empire—mob spread influence to high places."

Mr. Chairman, by reading this entire story by James Doherty the Members will realize the need for this kind of legislation. Congress should pursue this Capone gang parole scandal until it finds out who in high position really ordered their paroles; who received and who paid bribes. Congress should find out if the grand jury in my own Cook County is to be used in suppressing information.

Something should be done about the United States Department of Justice in its apparent determination to hog-tie the FBI in the investigation of the Capone gang parole scandal by the Committee on Expenditures in the Executive Departments.

Mr. Chairman, Congress has a duty in this matter to find out all that happened

in the Capone parole matter and how it happened. This bill, if it becomes law, will help.

Mr. HARDY. Mr. Chairman, will the gentleman yield?

Mr. CHURCH. I yield to the gentleman from Virginia.

Mr. HARDY. May I ask the gentleman if he knows whether Mr. Doherty of the Chicago Tribune timed this particular article to tie in with the discussion on this measure?

Mr. CHURCH. I do not know, but do not believe so. The mere fact that I said it is timely was to indicate that it has a bearing on this legislation. I will not take the time now to read this article nor quote parts of it for the gentleman's edification. I hope all Members will read it in its entirety. I ask the Congress to back up this committee headed by the gentleman from Michigan [Mr. HOFFMAN], and to pass this bill so that the people may have the benefit of information they are now being deprived of because it is being refused by the Attorney General of the United States and other departments of the Government.

The article referred to is as follows:

[From the Chicago Daily Tribune of May 13, 1948]

PAROLE SCANDAL REVEALS CAPONE GANG'S CRIME EMPIRE—MOB SPREADS INFLUENCE TO HIGH PLACES—HERE IS COMPLETE REVIEW OF CASE

(By James Doherty)

This is the almost incredible story of an invisible government in the United States, which draws its sinews from underworld gutters, yet finds familiar footing in high places, including the White House.

It is a story which has its roots in the blood and greed of the Capone era and which spreads its corruption laden branches from Pennsylvania Avenue to Dallas, Tex., and beyond.

It will tell how Capone gangsters muscled their way into control of unions and extorted millions of dollars from union members and the movie industry, immune to the ordinary processes of law until two members of the gang were tripped up and squealed.

MYSTERY AND MIRACLES

It will explain how, after four members of the gang were sentenced to prison for 10 years, mysterious forces began to move to accomplish miracles. It will tell how the four men, among the most notorious criminals in the Nation, whose records were known even to school boys, walked out of prison as freemen on almost the first day they became eligible for parole, although their own attorneys, in pleading for light sentences at the time of their trial, had told the court that their clients, because of their records, had less than one chance in a thousand of ever being paroled.

It will tell how the four criminals obtained transfer from one prison to another with amazing and mysterious ease; how they were visited in prison by deputies still in control of the Capone gang's gambling and other activities, and how, from their prison cells, they continued to direct these activities and even exerted a strong influence—in some political subdivisions a decisive influence—in Chicago elections.

It will tell how other pending charges against the four criminals, which would automatically have barred their parole, vanished into thin air at the behest of the Justice Department, through the contrivings of a Dallas, Tex., lawyer, a close friend of the Attorney General and counsel for other gangsters, whose name did not even appear of record in the proceedings.

PAROLES MADE EASY

It will tell how prison transfers and their final paroles were arranged and expedited beyond all common practice in such matters, by a St. Louis attorney for gangsters who visits President Truman in the White House and calls him "Harry."

It will tell how hundreds of thousands of dollars in income tax liens against the four gangsters were cut to less than 20 percent of the original figure, and then settled by means of bundles of money dropped on the desk of a Chicago lawyer who was steeped in the politics of Jake Arvey's twenty-fourth ward and who was twice indicted for vote frauds. (The indictments were later quashed on technicalities.) The lawyer, Eugene Bernstein, told the congressional committee members the money came from men he didn't know, never saw before, and who took no receipts for their contributions.

It will disclose how, shortly before these mysterious bundles of money began to rain on the attorney's desk, slot machines, long dormant in Cook County, began to run full blast—with or without the approval of the owners of the places in which they were installed.

POLITICAL TIES NOTED

It will tell how, at the height of a county election campaign shortly before the paroles, the Republican leaders in several Chicago wards, predominantly Italian, suddenly went to sleep; and how, on election day, these wards returned Democratic majorities never equaled before or since, a source of great gratification to administration figures in Washington who subsequently refused to cooperate in an investigation of the granting of the paroles.

In telling these things, it will adhere rigidly to facts backed by court records and sworn testimony in congressional hearings, concerning whose accuracy there can be no vestige of doubt.

The beginning of the story goes back to the days of the depression, when the Capone syndicate, its profits from bootlegging drying up, began to cast about for other sources of revenue. Scarface Al Capone, boss and founder of the gang, had gone to prison in 1931 as a million dollar income tax cheat. Frank (the enforcer) Nitti came out of prison and was the new chief.

RESORT TO KIDNAPINGS

For a time, the bootleggers, who also were vice mongers and operators of gambling joints, resorted to kidnaping to keep up the flow of wealth to their pockets.

They became known as the mob, or the syndicate. They kidnaped a few union leaders and, finding that large ransoms for such gentry were an "easy touch," they concluded the unionists were vulnerable, the Congressmen learned. A new field was opened for the Capone mob.

James Caesar Petrillo, czar of all union musicians, was kidnaped in 1933 and $50,000 ransom was paid, after which six Chicago policemen were assigned exclusively to him as bodyguards for 7 or 8 years.

Robert Fitchie, president of the Milk Wagon Drivers' Union, was kidnaped in 1931 and his union paid $50,000 ransom for him. Steve Sumner, business agent of the union, said the money was picked up by Murray (The Camel) Humphries, one of the top men in the Capone gang, and Frank Diamond, who was convicted with the other four gangsters with whom this story deals, but who was not paroled with them, according to the records.

UNION EXPLOITATION STARTS

Exploitation of unions seemed safe and sure. The foray against the Hollywood magnates had its birth when George Browne, head of the Chicago Stage Hands' Union, and Willie Bioff, an ex-panderer who had evaded a Cook County jail sentence, met on Chicago's West Side early in the days of the depression.

Bioff had organized several Jewish butchers into a "protective" association. Bioff furnished protection for a price, he admitted. Browne, in need of financial help himself, had taken over a chicken-killers' union. They decided to team up.

Extortion of food from merchants enabled them to start a soup kitchen for unemployed stage hands. They also exacted cash donations. Gradually they grew bolder. Browne had a club over the heads of motion-picture-theater owners, some of whom employed stage hands. Some had let their stage hands go when vaudeville waned.

BALABAN SHAKEN DOWN

Barney Balaban, of Balaban & Katz, owners of a movie chain, was approached for a donation to the soup kitchen. Under pressure, he agreed to contribute $7,500. The shake-down team demanded $50,000, then agreed to take $20,000.

They got the $20,000, too, after they had shown their strength. An era of extortion for them and their associates had begun.

The $20,000 put Browne and Bioff into the big league. They were able to meet and do business with the top men of the Capone gang. They attended a party in a Rush Street night club operated for the gang by Nick Circella, also known as Nick Dean. Nick saw Browne and Bioff buying champagne with $100 bills and questioned them about the source of their wealth. When the pair told their success story, Circella was convinced they had a fine new racket. He ordered them to accompany him to a house in Riverside where they faced Nitti, the top gangster, and Frank Rio, who had been Capone's constant companion.

NITTI CUTS HIMSELF IN

Bioff and Browne told how they had shaken down the big movie firm of Balaban and Katz.

Nitti lisfened. Then, quietly, he said:

"From now on, we are in for 50 percent of your take."

Nitti studied the operations of Browne and Bioff. The more he did so, the more he admired them. He got an idea. He would make Browne president of the International Alliance of Theater and Stage Employees.

Nitti called a meeting at the home of Harry Hochstein, who started his public career as a morals inspector in Chicago, and after a zigzag political history became chauffeur for Capone hoodlums. Hochstein had a house in Riverside. Later he was indicted for perjury for denying, under oath, that the meeting was held there.

PLAN TO RUN CONVENTION

Present at this meeting, in addition to Nitti, were Rio, Louis Buchalter (since executed in New York), Paul (The Waiter) Ricca, Louis (Little New York) Campagna, one of the Fishetti brothers, who were cousins of Capone, and a few minor characters in the Nitti gang.

"We have connections that can handle the delegates to the stage hands' convention in Louisville," Nitti explained. The convention was in 1934.

"Frank Costello and Lucky (Charles Luciano, since deported) will take care of the New York delegation."

Buchalter, also known as Lepke, said that he, personally, would vouch for the delivery of the New York votes at the convention.

"Longey (Abner) Zwillman will deliver the New Jersey votes," Nitti continued. "Johnnie Dougherty (now sheriff in St. Louis) will handle St. Louis."

KANSAS CITY CONNECTIONS

Testimony at the subsequent trial of the gangsters disclosed that Nitti had two other stalwarts in Kansas City who were to deliver Missouri and Kansas union delegates to

Browne. They were Tony Guzzio (who testified before a Federal grand jury here recently that he is still the agent for the gang's Chicago brewery), and Charlie Corrallo.

"They are the Lucky Lucianos of Kansas City," Bioff explained, meaning that they controlled vice, gambling, bootlegging, and racketeering privileges.

The Chicago delegation to the IATSE convention in Louisville in 1934 included Tony Accardo, recently indicted because of illegal visits to his chief, Ricca, in Federal prison; Louis Romano, who was muscled into control of the Chicago bartenders' union, and "Hindu" Imburgio, whose brother, Joseph Imburgio Bulger, an attorney, figured in the trial of the four gangsters and the present investigation into their paroles.

CONTROLLED UNIONISTS

"We made Jerry Horan and Mike Carozzo heads of their unions and we can do it for you." Nitti told Browne. Horan was national head of the building service employes' union. Carozzo controlled many thousands of street and building laborers, mostly Italians.

It is of sordid record that the IATSE convention elected Browne as international president, and the record was supplied to the congressmen.

Browne obeyed Nitti and immediately named Bioff as Browne's "personal representative," with full power to act—call strikes, and settle them. Nick Circella was named Chicago representative.

One of Nitti's first orders to Browne was "never meet an exhibitor or producer or discuss business with anyone except when Nick Circella is present." That applied to Chicago. Bioff would act for the mob elsewhere.

ORGANIZE AND COLLECT

"Get organized and collect some dough," Nitti told Bioff.

Tommy Maloy, head of local No. 10, of the motion-picture operators' union in Chicago, was killed by a shotgun blast on Chicago's outer drive on February 4, 1935. Nitti ordered Circella to take over Maloy's union. The motion-picture operators' local, like Browne's stagehands' local No. 2, was a part of the IATSE of which Browne was president.

Circella started a drive to force the motion picture theater owners to put two men in a booth, meaning to force them to hire two operators where they needed only one. The Chicago theater owners paid $100,000 to stop that maneuver. Balaban and Katz paid $80,000 of it.

The late William Pacelli, former twentieth ward alderman, who was handling the affairs of the boys, was put on the pay roll of an organization representing the smaller theater owners.

LEVY ON THEATER MEN

Jack Barger, of the Rialto Theater, who had to pay the syndicate 50 percent of his profits for the privilege of doing business in the first ward, under Capone-Ricca-Guzik domination, was compelled to put Frank Maritote, alias Diamond, brother-in-law of Capone, on the theater pay roll for $200 a week and keep him there 5 years.

Phil D'Andrea, who had operated a bawdy house on the West Side with Jack Zuta, was put on the Balaban and Katz pay roll for $175 to $200 a week, and kept on the pay roll for at least 5 years. His brother and sister also were put on theater pay rolls.

Chicago exhibitors were paying the Nitti gang. The extortion plan was working.

Meanwhile, Bioff was shaking down Hollywood. He started out by getting $100,000 from Joe Schenck in some kind of a funny deal. Bioff called a few strikes to show his power, and the money rolled in.

"We told Nick Schenck to get $2,000,000 for us," Bioff explained later to a jury.

NITTI BOOSTS HIS TAKE

In the beginning, Browne and Bioff split 50–50 with Nitti, Ricca, and Campagna; but in 1935 Nitti demanded two-thirds of the loot, and Bioff told Browne it would have to be that way, because they couldn't operate without the Nation-wide power of the Nitti mafia organization behind them.

Louis Greenberg, Nitti's financial adviser, who recently testified before a congressional committee in Washington, sent a man named Frank Korte to be vice president of the union.

Izzy Zevin, a brother-in-law of Greenberg, was sent to the union to take charge of a levy of 2 percent on the wages of the 46,000 members of the international.

It was this action—robbing the workers—that later brought about a so-called mail-fraud indictment against the gangsters. It was this second indictment which Attorney General Tom Clark dismissed prior to their parole.

THE MONEY ROLLS IN

With money rolling in from both sides of the racket—from the union members and from their employers—the gangsters began buying farms and estates. Bioff had a $330,000 home in Hollywood. Ricca bought a plantation in the South and a farm in Illinois. Campagna bought farms in Indiana and Michigan.

In Chicago, Nitti, pleased with his new technique, was taking over other unions. There was a mention in the record of his plan to make George McLane, boss of the Chicago bartenders' union, head of the International Union of Bartenders, Waiters, and Miscellaneous Hotel and Restaurant Employees. McLane, however, was eventually thrown to the wolves, and Louis Romano, one of the delegates who helped elect Browne, was put in charge of the local union by Nitti.

Nitti had plans for an extortion empire he was organizing with these purposes in view:

1. To control the country's drinking.
2. To control the country's entertainment.
3. To control the country's gambling.

ROPE IN PERFORMERS

Nitti ordered Bioff to take charge of the American Guild of Variety Artists, called Agva for short, and it was planned to make Charles (Cherry Nose) Gioe, one of the now notorious four parolees, its boss. All important night club and vaudeville performers in the country had to belong to Agva.

An exposé of his unsavory past in 1939 resulted in Bioff being extradited from California to Chicago to serve a 6-month jail sentence for pandering. Bioff went to the Bridewell on April 15, 1940.

While there, Bioff demanded that the Nitti gang use its political power to get him out. Gioe, whose later conviction was due mainly to Bioff's testimony, was sent to the jail to tell Bioff that the $25,000 fee the gang wanted to pay James Slattery, then United States Senator, to seek a pardon for Bioff, had been spurned. State's Attorney Courtney said the mob then offered $50,000 for a pardon for Bioff.

In Washington, Jacob M. Arvey, Cook County Democratic boss, testified that Bioff sought to retain Arvey as his attorney. Arvey said he refused to act for Bioff.

BIOFF GETS REVENGE

In jail, Bioff had demanded and obtained every possible privilege, but was demanding more. Gioe was sent to tell Bioff to behave himself. Gioe later told associates he found it necessary on that occasion to hit Bioff, and to call him a panderer. Bioff got revenge later by his testimony in the extortion case against Gioe and the other gangsters.

Out in California, Bioff's activities were coming into the spotlight. He was indicted on an income tax fraud charge. His deals with the movie magnates, which caused many false bookkeeping entries, resulted in the indictment of Joe Schenck, chairman of the board of Twentieth Century Fox. Eventually Schenck was convicted and sentenced to 3 years in prison, partly as the result, Bioff admitted later, of Bioff's perjured testimony.

On his own income tax case in California, Bioff obtained a delay by representing that his services were necessary to the motion-picture industry's war effort. He had resigned from the IATSE when his pandering past was flashed on the screens of the world, but after getting out of jail, he was welcomed back into the union at one of its conventions.

INDICTED FOR EXTORTION

The Government had learned how much money Bioff and Browne had taken out of the industry. In 1941, they were indicted in New York. The charges were that they had used their union positions to extort $550,000 from four of the country's leading motion-picture companies—Twentieth Century-Fox, Loew's Inc., Paramount Pictures, and Warner Bros.

The indictments were voted in New York because Browne maintained his principal office there. Circella, of course, represented him in Chicago, and Bioff represented him in Hollywood. Circella was indicted at the same time and eventually pleaded guilty. John P. (Big) Nick, of St. Louis, who was Browne's first vice president of the union, also was indicted and convicted.

On November 12, 1941, Bioff was sentenced to 20 years with a stipulation by Judge John Knox that it would be 10 years if he paid a $20,000 fine. Browne's sentence was for 8 years. Judge Knox retained jurisdiction, however, at the request of Prosecutor Boris Kostelanetz, who was investigating the connection of the Capone gang, under Nitti, Ricca, and Campagna, with the extortion scheme.

BROWNE AND BIOFF SQUEAL

Kostelanetz believed someone might be willing to trade testimony for time. He was right. Browne and Bioff were willing, after they had spent a year in prison. They squealed on their gangster mentors.

As a result, nine gangsters were indicted, including Nitti and six others from Chicago, charged with extorting more than $1,000,000 from movie producers, and with stealing another $1,000,000 or more from union members.

The other Chicagoans indicted were Louis Campagna, Paul Ricca, Frank Maritote, Philip D'Andrea, Ralph Pierce, and Charles Gioe.

The first indictment said the $1,000,000 from the movie industry was exacted for "protection," that is, to prevent and dissuade the defendants and their confederates from injuring or attempting to injure the business of the victims, by the use or misuse of the power which the defendants had over labor unions.

NITTI COMMITS SUICIDE

Circella, who pleaded guilty, later was denied a parole. He did not testify against Ricca and the others before the grand jury which indicted them, although he was listed as a possible prosecution witness in the trial.

On the day the indictment was returned, March 19, 1943, Nitti committed suicide in North Riverside, less than a mile from his home. It was reported he feared he would be convicted. He knew his financial manager, Louis Greenberg, had testified against him before the New York grand jury, and that Browne and Bioff had squealed, and that there was a possibility that Circella might be a witness against him.

The others were taken to New York for a trial which began October 6, 1943, before Judge John Bright of the United States District Court. Bioff, the first witness, told of a time when, he said, he wanted to get out of the business of extorting money from businessmen. He said he told Nitti, Ricca, and Campagna he was going to resign.

RESIGNATION MEANT DEATH

"Anybody who resigns from us resigns feet first," he quoted Campagna as telling him.

The gangsters did not testify in their own defense. The Government had traced payments of $1,800,000 in cash to the extortioners, and on the basis of the testimony relative to a split of two-thirds for the Nitti mob, and one-third to be divided by Browne and Bioff, the Government alleged that $1,200,000 was turned over to the Chicago syndicate.

On December 22, 1943, a jury of nine women and three men found seven defendants guilty. Ralph Pierce, one of the indicted Chicago gangsters, had been freed by a directed verdict. Those convicted were Ricca, Campagna, Gioe, D'Andrea, Maritote, and the lesser lights. These were John Roselli, of Hollywood, former west coast organizer and agent for the gang, and Louis Kaufman, of Newark, N. J., former business agent for the IATSE local in Newark. All were permitted to remain at liberty on bail until December 30, 1943.

SEEK LIGHT SENTENCES

On that day Judge Bright gave consideration to pleas for light sentences.

"There is no hope for parole for these men, so please consider that in fixing sentence," James Murray, defense attorney, told the court.

A. Bradley Eben, another defense attorney, said: "There isn't one chance in a thousand that a parole board would ever give these men consideration because of their past records."

"I agreed with that statement—that there seemed to be not one chance in a thousand that the men ever would be paroled," Prosecutor Kostelanetz recently testified before a congressional committee investigating the paroles.

Judge Bright decided that six of the men should serve the maximum terms, 10 years, and pay fines of $10,000. The seventh defendant, Kaufman, received a sentence of 7 years.

GET PRISON TRANSFER

"The evidence showed the guilt of these men was practically without dispute," said Judge Bright. "Except for Kaufman, not one of them was a member of the union, or had any right to interfere with the activities of the union."

On April 4, 1944, they were received in the Federal penitentiary in Atlanta, Ga., having been held until then in detention cells in New York City.

But they didn't stay there. Even before they entered prison, wheels began turning in an effort to get them out.

The first evidence of this came when the gangsters were transferred from the penitentiary at Atlanta to the penitentiary at Leavenworth, Kans., "so they would be nearer home." This was done at the request of Paul Dillon, a St. Louis attorney and former campaign manager for President Truman.

Dillon explained later that he acted at the request of the late Edward (Putty Nose) Brady, former Missouri legislator and saloon owner.

BRADY'S HELP SOUGHT

Dillon said Brady, in turn, had been requested to enlist his aid in behalf of the imprisoned gangsters by the wife of Louis Campagna, with whom Brady had long been acquainted.

By coincidence, Dillon had been attorney for Nick, vice president of Browne and Bioff's IATSE, when Nick was indicted for extorting $10,000 from movie-theater owners.

In any event, as soon as Dillon asked for the transfer of the four convicts, they were transferred, although a memorandum signed by the Atlanta prison warden, which later was placed in the files of a congressional investigating committee, said "it is evident money was paid for the transfer."

As time went on, the Tribune, which daily sifts hundreds of reports and rumors, began to hear of strange goings-on in five wards where the voters are predominantly Italian. A county election was approaching. Republican leaders in these five wards were influenced, through Italian organizations and otherwise, by the leaders of the Capone syndicate. The reports, as repeated, were that the Republican leaders had been ordered to deliver all the votes they could to the Democrats, "to help out the boys."

SLOT MACHINES POP OUT

About the same time, slot machines began to appear in the country towns, which were in the jurisdiction of Michael Mulcahey, Democratic sheriff. Tavern owners told Tribune reporters that they got the machines whether they wanted them or not.

The wheels were turning. In order to get out of prison, Ricca and his fellow convicts knew they had to clear two hurdles. One was the settlement of the Government's claim against them for unpaid income taxes running into hundreds of thousands of dollars. The other was to obtain the dismissal of the indictment still pending, which charged the gangsters with extorting a million dollars or more from members of the IATSE.

In connection with his income-tax problems, two men called on Paul Ricca at Leavenworth penitentiary. One was Attorney Bernstein, a political figure in Arvey's twenty-fourth ward. The other man signed the prison register as Joseph Imburgio Bulger, a Chicago attorney. But he wasn't Bulger. He was Tony Accardo, or Joe Batters, who was running the syndicate's affairs while the syndicate heads were in prison. Both Bernstein and Accardo were subsequently indicted by a Chicago Federal grand jury.

BANK NOTES RAIN DOWN

It was after this visit, Attorney Bernstein subsequently told a congressional investigating committee, that fat bundles of bank notes began to rain on his desk, dropped there by men who said, "This is for Paul."

Bernstein told the committee he didn't ask questions. By means of a deal with the Internal Revenue Bureau, tax claims against the four gangsters totaling $670,000 were settled for $128,000. The bundles of money so mysteriously dropped on Bernstein's desk were applied toward the payment of this tax settlement, Bernstein said.

The wheels were still turning. But there remained the mail-fraud indictment, which, if it continued to stand, would serve as an automatic bar to the parole of the four gangsters at the end of 3 years and 4 months, representing one-third of their sentences, which they had to serve before becoming eligible for parole.

CALLS ON TOM CLARK

One day a lawyer named Maury Hughes from Dallas, Tex., dropped in for a chat with a couple of assistants to his great and good friend, Attorney General Tom Clark, another Texan. Hughes is a former Texas Democratic State chairman. He was on the Texas delegation which supported President Truman for the Vice Presidential nomination in the convention which nominated the late President Roosevelt for a fourth term.

Hughes, although he has no office in Chicago, also has represented another member of the Capone syndicate—Mike (the Greek) Potson, former owner of Colosimo's restaurant, recently convicted here of income-tax evasion.

After Hughes had his chat with the Attorney General's assistants, a special assistant to Clark appeared in Federal District Court in New York and asked for the dismissal of the mail fraud indictment against the four gangsters. The court asked several sharp questions, but there was no getting around the fact that the Justice Department wanted the indictment dismissed. The court ordered it dismissed.

ADMITS $15,000 FEE

Maury Hughes did not appear as an attorney of record. Nevertheless, he testified later before a congressional committee that for his chat with three of Mr. Clark's assistants he received a fee of $15,000, paid to him he said, by a mysterious Mike Ryan, who looked, Hughes recalled, like an Italian. He said he never has seen Mike Ryan again and wouldn't know where to find him.

The Chicago election was out of the way by this time, and the five Italian wards had cast unprecedently large Democratic votes.

Chairman Arvey of the county Democratic organization admitted to the investigating committee that the Republican leaders in the five wards did help the Democrats that time, but he denied there was any deal.

"It is true that the five Italian Republican ward leaders sat the election out, but they did so because they were sore at Governor Green for a slight to some of their legislators," Arvey told the committee. "It is true the Democrats got more votes in those wards at that election than ever before or since."

ARVEY RATHER EVASIVE

On the subject of slot machines, Arvey said he had no information. He admitted, however, that he had heard about the indictment of several persons for operating slot machines at or about the time the taxes for the imprisoned gangsters were squared, and at or about the time the five Italian Republican ward leaders delivered Democratic votes.

"If Scotty Krier, Democratic committeeman out in the Skokie district, said he got an O. K. from downtown to allow slot machines to run, to whom did the term 'downtown' refer?" Arvey was asked.

"Maybe he meant the Tribune," Arvey replied. "It is downtown. I don't know. You'd have to ask him who he meant."

Representative BUSBEY, Republican, of Illinois, a member of the committee, said the Arvey testimony was important in view of the story that Chicago Republicans in certain wards were herded into polling places to vote Democratic "so four guys can get out on parole."

VOTE FRAUDS CHARGED

Arvey at first disowned Bernstein as a member of his Twenty-fourth Ward Democratic Club, but later admitted he had been mistaken. Arvey testified that Bernstein had not been a Twenty-fourth Ward Democratic club member since 1931. It was shown that Bernstein was twice indicted on vote fraud charges in 1939 because of his activities as a precinct captain in the Arvey organization.

The wheels are still turning, and they have nearly completed their revolution. On August 6, 1947, Attorney Dillon dropped in to see his old friend, T. Webber Wilson, chairman of the Federal parole board, in Washington.

Seven days later, almost on the very day they became eligible for parole, the four gangsters walked out of prison.

Some of the circumstances of their release were extraordinary, to say the least.

RED TAPE QUICKLY CUT

For one thing, the day before the gangsters were released, the parole office in Chicago received a telephone call from the prison at Leavenworth requesting that certain matters of red tape, such as interviewing sponsors for the parolees, be expedited. They were—and how. Within a matter of hours, investigations which ordinarily require days, or even weeks, were announced as completed, and the result was transmitted to Leavenworth, clearing the way for the gangsters' release on schedule.

On August 13, 1947, the prison doors swung open for them. The next day they were in Chicago. A storm of protest followed. Police Commissioner Prendergast said the gangsters should have been barred from Chicago forever. The Chicago crime commission said the paroles were an outrage and a national disgrace.

The Tribune, digging into the then undisclosed circumstances surrounding the

paroles, encountered a singular wall of official reticence.

It was learned that Chairman Wilson of the parole board had resigned, effective August 31, and had gone to his home in Coldwater, Miss., where he subsequently died.

PAID DEBT TO SOCIETY

The two other members of the board, Fred S. Rogers and B. K. Monkiewicz, said they had never heard of the Capone gang, and were of the opinion that these middle-aged criminals could be rehabilitated and they wanted to give them another chance.

The fact that Campagna had served a previous term for robbery was shrugged off. "He paid his debt to society," said Rogers, a former member of the Texas State parole board.

The fact that D'Andrea had been arrested during the trial of Al Capone in the courtroom of Judge James Wilkerson in Chicago in 1931, with a loaded pistol in his pocket, was mentioned. It made little impression.

At his Mississippi home, Chairman Wilson said he was familiar with conditions in Chicago. He had made political speeches here, he said.

STORY CALLED CHILDISH

Wilson said he knew something about the Capone gang but didn't believe all he read. It was his opinion, he said, that Browne and Bioff, who had been released by court order after serving 3 years, in return for their testimony in the extortion trial, were the real offenders.

Representative BUSBEY characterized Wilson's explanations as childish.

"There are nasty rumors in Chicago that somebody got a lot of money to let these desperate gangsters out of prison," BUSBEY wired J. Edgar Hoover, director of the Federal Bureau of Investigation.

Representative BUSBEY subsequently pointed out the sharp contrast between the ease and precision with which paroles fell into the laps of the four Capone hoodlums, at the earliest moment it was possible for them to be released, and the parole experience of William R. (Big Bill) Johnson, former Chicago gambler, now serving a 5-year term in the Federal prison, at Terre Haute, Ind., for income-tax evasion.

RAPS EASY SETTLEMENT

"Johnson's only crime was income-tax evasion," BUSBEY commented. "He was convicted October 12, 1940, and became eligible for parole in November last year, after completing 20 months of his sentence. Johnson also applied for a parole, but apparently he neglected to retain Paul Dillon or Maury Hughes as counsel. On April 1 of this year the parole board denied Johnson's application.

"The four gangsters who were sentenced for the much graver offense of extortion, also were guilty of income-tax evasion. Yet, as a prelude to their paroles, they were permitted to settle the Government's income-tax claims against them at less than 20 cents on the dollar, despite the fact that they are wealthy men, and have property on which the Government could have levied.

"Paul Ricca, who testified before the committee that he had an income of from $50,000 to $100,000 a year, owns a 1,100-acre farm in Kendall County. Campagna owns a 750-acre farm in Indiana, and rents 150 acres in partnership with another man."

WASHINGTON RETICENT

In New York, Judge Bright said he had opposed the Ricca gang paroles, and so had Prosecutor Kostelanetz. But in Washington, there was no disposition on the part of any official to make public the facts concerning the release of the gangsters.

Board members Monkiewicz and Rogers suggested that possibly Judge Bright had forgotten a letter he wrote them. They intimated the judge had consented to the release. Judge Bright's letter was obtained. Its conclusion was:

"The activities of these defendants not only were directed against the motion picture industry but also against the unions and union members. I know of no better way to suppress this kind of activity than by severe punishment."

The House antiracketeering subcommittee, headed by Representative CLARE HOFFMAN, Republican, Michigan, opened hearings into the granting of the paroles, in Chicago, on September 25, 1947.

TRUMAN FRIEND EXPLAINS

Without being summoned, Attorney Dillon stormed before the committee and asked to be heard.

"Yes, I managed two of President Truman's senatorial campaigns in St. Louis," said Dillon, "but that had nothing to do with the fact that I appeared for these four men before the parole board last August. I did that as a favor to Mrs. Campagna, who was the friend of my friend, Edward Brady, member of the Missouri Legislature. I didn't get paid, either."

After that hearing, Dillon sent a bill for $10,000 to Campagna, and it was paid, he testified in a later appearance before the committee in Washington.

"What about your activities in behalf of those Chicago convicts in getting them transferred from Atlanta to Leavenworth?" asked Chairman HOFFMAN.

BUSBEY BLAMES CLARK

"I didn't get paid for that, either," replied Dillon.

Representative BUSBEY said he pinned on Attorney General Clark the personal responsibility for dismissal of the mail fraud indictment against the gangsters.

Clark, when he appeared before the committee, assumed responsibility for refusing the committee's request for a report prepared by the FBI after its agents questioned more than 200 persons about the paroles granted the Capone hoodlums.

Clark had directed the FBI to conduct an investigation after the congressional inquiry was launched, but suppressed its report. He told the committee that he found in the report no evidence of corruption. One of the strange things about the FBI investigation was that FBI agents questioned Maury Hughes, whose connection with the paroles had not been disclosed at that time, about a conversation Hughes said he had overheard in a night club about a conference of Republican leaders in Berrien Springs, Mich., for the purpose of plotting a "smear" in connection with the granting of the paroles.

TWO CLARK APPOINTEES

"In the beginning, Clark told us he had no power over the Parole Board," Busbey said in a statement. "He said it was an autonomous body, which could and did act without consulting or answering to him. But it was established that no one on the Parole Board would talk to the press without special permission from the Attorney General.

"Then it was shown that Clark had actually appointed two of the three parole board members who freed the Ricca gang, and that he does have the power to fire them without rhyme or reason. It was shown that he appointed his neighbor from Texas, Fred Rogers, in January 1947, and Monkiewicz in June 1947, when the parole applications of the Chicagoans were coming up for consideration.

"It was shown that Clark knew about the other New York indictment that would have been a bar to parole. It was shown that Clark was head of the Criminal Division of the Department of Justice back in 1943 when the case was prosecuted, which gave him the duty of supervising the prosecution."

OFFICES IN SAME BUILDING

"Maury Hughes testified he has known Clark since Clark was 10 years old, and that he and Clark have offices in the same building in Dallas.

"Hughes said he didn't consult his old friend, Clark, about having the mail-fraud indictment dismissed. He consulted three of Clark's most confidential aids.

"Hughes said he talked with James McGranery, who had the title of Assistant Attorney General; with Douglas McGregor, who succeeded McGranery in that position, and with Peyton Ford, who now holds that job. McGranery was appointed a Federal judge in Philadelphia some time after he talked with Hughes. McGregor resigned last October after the congressional investigations started and returned to his Texas law practice."

NOT ON COURT RECORD

"The name of Hughes does not appear on any court record in connection with the dismissal of the indictment which charged the gangsters with stealing 2 percent of the wages of the 46,000 union members. The dismissal was obtained before a different judge than the one who heard the other case, and apparently it was done on motion of the Government—not of any defense counsel.

"Hughes said he was told by the man who hired him that Ricca wanted the mail fraud indictment out of the way so he could get a parole. When that action was accomplished, on May 6, 1947, the way was cleared for the parole. Hughes acknowledges receipt of a fee of $15,000."

Attorney General Clark told the committee that the dismissal of the mail fraud indictment was routine, and that it had been recommended by Kostelanetz.

Kostelanetz, called before the committee, testified that he had only recommended that the mail fraud indictment be kept alive for "at least 2 years after the date of the denial of an appeal of the men for a new trial."

"HIGHLY SIGNIFICANT"

Theodore Rein, an attorney who appeared before the congressional committee in behalf of Ricca and challenged the committee's jurisdiction, denied that his law partnership of many years with Congressman ADOLPH J. SABATH was responsible for his being hired to represent Ricca.

Representative BUSBEY asserted, however, that the fact that Rein, a partner of Sabath, Attorney A. Bradley Eben, whose mother is employed in the White House, and Congressman Vito Marcantonio, who was considered as being close to the late President Roosevelt, were employed by the Chicago gangsters, along with Maury Hughes, close friend of Attorney General Clark, and Paul Dillon, intimate friend of President Truman, was highly significant.

Dillon's relationship with the Chicago gang was again mentioned by Willie Heeney, veteran Capone gangster, who came here from St. Louis. Heeney, who was a partner of Campagna in two prosperous Cicero gambling houses, said Dillon frequently visited him at his El Patio Club in Cicero, and he frequently visited Dillon in St. Louis.

DENY FINANCING PAROLES

Dillon, Francis Curry, Joliet gambler, and Louis Greenberg all denied financing the paroles of the four gangsters. Heeney, an aging semi-invalid, just pleaded ignorance.

Curry, vigorous, in his early forties, gave sharp answers to the Congressmen who had directed a hunt for him that was carried on for more than a month before he was subpenaed. He admitted having gambling concessions in Will County and Joliet, but refused details of his income.

However, Theodore Link, a St. Louis newspaperman, tied Curry to the gambling operations of the Capone gang in Chicago, Joliet, St. Louis, and down to Dallas, Tex.

PAROLE SYSTEM HARMED

Rogers, on the witness stand, refused to admit the paroles were "an error." He said the resultant investigation had done great harm to the parole system.

Monkiewicz accepted a full share of the responsibility for freeing the gangsters. Then, under questioning by Chairman HOFFMAN, he disclosed that the convicts were at large for 2 days before he knew it.

He said he was appointed to the board on June 5 and was sent out to visit prisons. He returned to Washington August 15, he said, "and these cases were on the top of my agenda."

"But the men were out of prison 2 days then," said HOFFMAN. "Apparently two members could order a release, so what did they need of you?"

FAILED TO DISSENT

"Well, I could have dissented," said Monkiewicz. "But I didn't. I studied the files for half an hour and then signed the release order, making it unanimous."

Wilson died before the committee could question him. Judge Bright also died during the investigation. A half dozen or more employees of the Internal Revenue Bureau have refused to give the committee information on the details of the settlement of the income-tax claims against the paroled gangsters.

The investigation is continuing.

Mr. HARDY. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, I was particularly interested in the comment of the gentleman from Illinois in connection with the article that appeared in the Chicago Tribune by Mr. James Doherty. I have had the pleasure of serving with my chairman on a committee investigating paroles. It occurred to me as particularly significant that that article should have appeared this morning, for while apparently Mr. Doherty stayed out of the Tribune during the period that the paroles were under active consideration by the committee, there was some evidence to indicate he was using the investigation purely as a medium of publicity for the Chicago Tribune.

It seems rather significant to me that this should have appeared in a paper which reached here today. It seems rather significant that the gentleman from Illinois should have injected it at this point. I realize that Chicago has had a wave of gangsterism in the past. That is unfortunate. Perhaps it is unfortunate, too, that those parolees were paroled. It may be that the Department of Justice could have provided the committee with more information than it did.

Mr. HOFFMAN. Mr. Chairman, will the gentleman yield?

Mr. HARDY. I am delighted to yield to my chairman.

Mr. HOFFMAN. Does not the gentleman think that if that matter were left to the committee, of which he is a member, that you would be able to handle it?

Mr. HARDY. Distinctly so, and if Mr. Doherty would stay out of the Chicago Tribune where he has been getting so much publicity, we would get along better. I thank you.

Mr. BUSBEY. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. BUSBEY to the Herter amendment: After the period following "court" add the following:

"This section shall be retroactive to recover any such papers, documents, or records that have been taken in violation of this section."

Mr. HERTER. Mr. Chairman, a point of order. It is clearly unconstitutional to make certain penalties retroactive and the amendment is not germane to the bill.

The CHAIRMAN. The Chair holds that the House does not pass on questions of constitutionality and overrules the point of order.

Mr. BUSBEY. Mr. Chairman, I am wholeheartedly in accord with the amendment offered by our distinguished colleague, the gentleman from Massachusetts [Mr. HERTER]. The only thing his amendment does not do is to make the recovery of papers retroactive. There have been many, many very important papers taken by officials of the Government which did not belong to them and certainly could never be considered as personal in any way, shape, or form. Those papers and documents were the property of the Government. Unless my amendment to the amendment offered by the gentleman from Massachusetts is adopted I do not believe that we will ever have an opportunity to recover these papers which belong to the Government and which certainly should be placed in the National Archives. I hope the House will seriously consider my amendment for the benefit of posterity.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Illinois [Mr. BUSBEY].

Mr. Chairman, the amendment offered by the distinguished gentleman from Massachusetts [Mr. HERTER] contains a penalty clause. While I find myself in general agreement with the thought and purpose of the amendment to the amendment as submitted by the gentleman from Illinois, I would like to see many of the papers that have been taken out of Government offices returned to Government offices. The adoption of this amendment to the amendment as offered by the gentleman from Illinois would, of course, be retroactive and would be ex post facto legislation and unconstitutional—there is no question about it. Therefore, it could not be enforced but would destroy the effect of the Herter amendment. Therefore, I sincerely hope the amendment will be voted down.

Mr. BUSBEY. The gentleman from Ohio is certainly in accord with the purpose of the amendment.

Mr. BROWN of Ohio. Absolutely, but I hope the gentleman will withdraw the amendment.

Mr. BUSBEY. As long as the gentleman is in accord with the purpose of the amendment, I ask unanimous consent to withdraw the amendment to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. HERTER].

The amendment was agreed to.

Mr. PRIEST. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, this resolution proceeds on the basis of a number of gross misconceptions.

It proceeds on the assumption that the majority of any congressional committee, plus either the President of the Senate or the Speaker of the House, is in a better position than the President of the United States to know and determine what information, available to him in and for the carrying out of his duties, the public interest requires shall be maintained on a confidential basis. Merely to state this proposition is to demonstrate its incorrectness. It would be most presumptuous for a congressional committee which seeks information about a particular matter that it may be investigating, to set its judgment up against that of the President as to the importance of keeping confidential the information sought. No congressional committee can presume to know as well as the President whether it is in the public interest that a given piece of information in the executive branch be kept confidential. Only the President is in a position fully to know what matters in addition to the particular information itself must be considered in arriving at this judgment. A committee whose knowledge must perforce be confined to one particular aspect of Government activity cannot possibly know this. No more, for that matter, can the President of the Senate or the Speaker of the House.

The resolution has been amended, since first introduced, by the insertion of the words "created by the Congress," in line 4, so as to be applicable to information only in those departments and agencies of the Government created by the Congress. The assumption appears to be that since the Congress has authority to create the executive departments and has exercised that authority, it therefore has the right to tell those departments how they shall do their business and what information obtained by them in the course of their business they shall turn over to the Congress. This assumption is wrong. If it were true, all the business of the executive branch of the Government, except that performed by the President in person, would be performed under congressional direction and supervision. Except for the President himself, the entire executive branch has been created by the Congress, and the funds for its operation as well as the funds for the payment of the President's salary and expenses are appropriated by the Congress. It is rather naive, as well as late in the day, to assume that from this congressional authority stems the power to run the executive branch. All the precedents—judicial, congressional, and executive—are to the contrary.

Something new has been added to the resolution. Further amendments provide that it shall be a crime, punishable by fine or imprisonment, or both, for any individual to divulge information,

knowledge of which he obtained by reason of the disclosure of such information to a congressional committee pursuant to House Joint Resolution 342. Such divulging of information will, however, be a crime only in those instances where a majority of the committee has declared the information divulged to be confidential. The basic assumption of this new provision is likewise incorrect, as has been demonstrated above. It would be most presumptuous for a congressional committee with one piece of information before it, which it has obtained by virtue of this resolution, to pass judgment upon whether the public interest requires that information, or some part thereof, to be held confidential. The information in the hands of the committee may on its face and to the unsuspecting appear completely innocuous. The President, the Secretary of Defense, or some other officer in the executive branch might, on the other hand, have good reason to know that public disclosure of the apparently innocuous information, because of its relationship to other pieces of information, is contrary to the public interest or to the national security. Intelligence officers, those of foreign powers as well as ours, know full well the value of picking up and fitting together a number of pieces of information, each by itself apparently innocuous.

The President is charged with the defense of the United States, both in terms of internal and external security. Under the President, the Congress has specifically provided that various aspects of that defense are to be maintained by specified officers and agencies in the executive branch, for example, the Secretary of Defense, the Director of the Central Intelligence Agency, the Atomic Energy Commission, the Federal Bureau of Investigation, and others. To say, as the resolution does, that these officers and agencies, and others of like national importance, are to be required, at the request of any committee of the Congress, to disclose information to that committee, despite the fact that the particular officer knows that such a disclosure will impair the national security, is to say that these officers and agencies can no longer be responsible for that security. Responsibility for the national security must carry with it the authority, the unquestioned authority, to decide what information may and what may not be disclosed. No committee of the Congress has, nor does the President of the Senate or the Speaker of the House have, this responsibility; no committee of the Congress nor the President of the Senate nor the Speaker of the House should have this authority.

The tendency exhibited by this resolution is an alarming one from the standpoint of the Congress itself. The Congress values highly and guards carefully its rights to be free of inquiry by the courts. The Congress would resent, and justifiably, any attempt to pry into the activities of, say, one of its committees in executive session. The Congress has no more business prying into the confidential business of the executive branch.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that all debate on all amendments close in 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. MATHEWS. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I shall vote for this resolution.

It was my intention to have offered an amendment to the committee amendment which is section 2 of this resolution—House Joint Resolution 342—to throw some safeguard around persons not members of committees or employees thereof, who might come into possession of information found to be confidenitial by a majority of the committee without knowing that such information had been found confidential, but the amendment of the gentleman from Ohio [Mr. BROWN] obviated the necessity of my amendment and I therefore did not offer it.

Realizing the extreme importance of this resolution I listened carefully to the entire debate.

I was much impressed by the argument of the gentleman from Massachusetts [Mr. MCCORMACK] against the resolution, but I was more impressed by the clarity, logic, and courage of the splendid presentation in favor of the resolution by the gentleman from Pennsylvania [Mr. GRAHAM].

I am not one who will vote for anything regardless of my belief of its unconstitutionality and thus "pass the buck" to the Supreme Court, nor am I one to vote against something because I have some slight doubt as to its constitutionality, particularly where the objective to be accomplished appears to be a good one.

There is much to be said on both sides of the present question. On the one hand there is absolute necessity for the maintenance of the independence of each of the three branches of our Government. Any ill-advised attempt by one branch to encroach upon the proper function of another branch should be defeated. On the other hand, Mr. Chairman, how can the legislative branch of this Government function when the enormous bureaucracy which has been created under the general jurisdiction of the executive department arbitrarily refuses to furnish the legislative branch with information absolutely essential to the intelligent formulation and passage of legislation?

In the short time I have been a Member of this House, I have suffered, along with the other Members, in determining how to vote, from lack of complete information upon subjects because somebody in the executive department just did not want to give it to the Congress. It seems to me utter folly for the people to elect Representatives to the Congress, giving them the responsibility of the passage of legislation, and then entertain the expectation that they can intelligently perform their functions without the facts necessary to do so.

It is rather surprising, and at the same time amusing, to hear some Members express awful fear that the legislative branch of this Government will improperly dominate the executive branch when those same Members no doubt sat during the long term of the practical dominance of the Congress by the Executive beginning shortly after 1933. Although I was not in the House during most of this period, it is certainly a matter of common knowledge that legislation was prepared by the Executive, brought on the floor of this Congress, and passed without change and without question by many Members, under some kind of theory that the Executive knew better what legislation the country needed than did the Members of the House and Senate, whose duty and function it was to themselves prepare and pass upon legislation.

We certainly do not want dominance by any branch of this Government, but there is far less danger of an effective dominance by 435 Members of the House and 96 Members of the Senate than from 1 man in the White House. While, as Jefferson intimated, 531 tyrants are no better than 1 tyrant, nevertheless it ought to be plain from history that 1 tyrant is more efficient in tyranny than a deliberative body of 531.

Recently I had occasion to examine into decisions of the Supreme Court—most of them prior to the appointment of the present personnel of that Court—on the subject of the investigatory powers of Congress, and those decisions convinced me that the Supreme Court has not only recognized the existence of those powers and sanctioned the proper procedure for calling witnesses before it, but has, at the same time, passed upon the limitations of the powers, including the type of questions witnesses were required to answer.

It appears from the remarks of both the proponents and opponents of the present resolution that the calling and questioning as witnesses of officials and employees of the executive department by the legislative department of the Government has not been directly decided by the Supreme Court. Not only do I believe that these questions should be passed upon by that Court, and that the passage of the resolution is about the only way we can get decisions in point, but it is also my belief that within reasonable limitations which will not interfere with or encroach upon the constitutional duties of the Executive, this Congress ought to be held to have the power to obtain from executive officials and employees information proper and necessary for its legislative functions just the same as it can now obtain that information from private individuals. In fact, it would seem that it is more important for the Congress to obtain such information from such officials and employees than from private individuals.

In conclusion, therefore, Mr. Chairman, I am of the opinion that this Congress does not have the power through its investigatory function or otherwise to disturb, interfere with, hamper, or embarrass the Executive in the proper performance of the duties which the Constitution prescribes for him, yet at the same time, that that Executive should never be in a position to arbitrarily prevent this Congress from obtaining information necessary for its legislative function through the Executive's sole judgment or desire about what information

that Congress should have. Consequently, the only way, as so courageously pointed out by the gentleman from Pennsylvania [Mr. GRAHAM], to determine this matter is by the passage of the resolution before us which, I believe, properly guards against the danger of divulgence of information which, if made public, would jeopardize the safety of our country. Therefore, I shall vote for the resolution.

Mr. JAVITS. Mr. Chairman, I offer an amendment, which is at the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. JAVITS: On page 8, line 21, at the end of the section add a new section 3, as follows:

" 'SEC. 3. Notwithstanding any provision of this resolution, if the President or the Secretary of an executive department so requests in writing, information, books, records, or memoranda submitted to any committee of the Congress hereunder shall be deemed confidential;' and renumber the succeeding sections appropriately."

Mr. HOFFMAN. Mr. Chairman, I make the point of order that the amendment is not in order because in effect it strikes out the enacting clause, which is a preferential motion and should be presented in writing.

The CHAIRMAN. The Chair will rule that the amendment is germane. The gentleman from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. Chairman, this amendment is offered in an effort to bring a little reason and balance into this entire controversy. Half of the problem is dealt with by giving a majority of the committee, under this resolution, the right to determine when particular information is confidential, and if it is, establishing severe penalties for divulging it publicly. My amendment assumes that the executive department is a responsible agency of Government, the President having been elected by the people—and I think my colleagues on my side of the aisle will agree that the next President is likely to be of another political party, of that of the majority in the Congress, yet if we pass this resolution he, too, will have the same problem, and so will his Secretaries who serve in the Cabinet under him.

This amendment which I propose provides that the President and the Secretaries shall have coequal right with the Congress to stamp a particular item of information "Confidential," and then the protection of this particular resolution shall extend as well to that information.

The important point in what I am trying to effect by my amendment by way of compromise between the widely divergent points of view here expressed, is this: A committee of Congress which wants information gets it, but the executive department has a right to say, "We also, being the representatives of the people, have a right to say that this information is considered confidential. Therefore, we give it to you because you are entitled to have it, but you must keep it confidential."

I know the argument will be made that that will be putting the executive department in the position of saying that anything it turns over to Congress can be marked "Confidential." But the men in the executive department are adults and will do their job according to their oath of office. As a matter of illustration, in the Foreign Affairs Committee we had some information handed to us which we considered very important, which the State Department marked "Confidential." We did not think it ought to be confidential. We thought the public ought to have it. Therefore, we sent it back and said, "We are sorry. If you insist on marking this 'Confidential,' we will not accept it." Our democratic purposes being what they are, the State Department promptly released the information and sent it to us as unclassified.

Mr. WALTER. Mr. Chairman, will the gentleman yield?

Mr. JAVITS. I yield.

Mr. WALTER. If the gentleman's amendment is adopted, there is nothing that would prevent the Congress from receiving this information, even though it is stamped "Confidential."

Mr. JAVITS. Not at all. The point is, the committee gets what it is after. It gets the information, but you give the executive department coequal right to protect those matters as confidential which it considers the public interest to require to be protected.

The committee and the executive department have a coequal right, under my amendment, but the Congress gets its information.

Mr. Chairman, I urge upon the committee that what my amendment proposes is a fair compromise.

Mr. HOFFMAN. Mr. Chairman, I ask unanimous consent that all debate on this and all other amendments close in 5 minutes.

Mr. EBERHARTER. Mr. Chairman, reserving the right to object, I would like to know whether the request of the gentleman includes any further amendments to the bill.

Mr. HOFFMAN. Has the gentleman any amendment?

Mr. EBERHARTER. No; I do not have any amendment, but I would like to make some remarks on the bill.

Mr. HOFFMAN. Does any other Member have an amendment?

Mr. COUDERT. Mr. Chairman, I have an amendment.

Mr. HOFFMAN. Mr. Chairman, I move that all debate on this amendment close in 5 minutes.

The CHAIRMAN. The question is on the motion.

The motion was agreed to.

Mr. BROWN of Ohio. Mr. Chairman, I rise in oposition to the amendment.

Mr. Chairman, again this is an amendment which I am sure has been offered in good faith and yet an amendment which destroys the effectiveness of this legislation; and if I may have the attention of the House for just about 5 minutes, I would like to read an order issued by one of the agencies of this Government setting forth what the word "Confidential" means. This is Circular No. 61 of July 29, 1947, issued by the Veterans' Administration. I quote:

Confidential information is information the unauthorized disclosure of which although not endangering the national security would be prejudicial to the interests or prestige of the Nation, any governmental activity or any individual or—

And I want you to get this, Mr. Chairman—

or would cause administrative embarrassment or difficulty.

That is the description and the definition of what "confidential papers" are by the Veterans' Administration; and it was the exposé of this particular order that won for Nat Finney the Pulitzer prize, because he did show it up and he forced that agency of the Government to withdraw it.

If this amendment as suggested by the gentleman from New York is adopted then anything in the world that any Department wants to call confidential must be kept confidential by the committee and the whole Congress cannot be given the information whether it creates embarrassment for the Department or not.

There is every protection in the world in this law for those things which are absolutely confidential. You have the honor and the integrity of the Speaker, you have the honor and the integrity of the committee system and of the majority of each and every legislative committee in the House which stands guard over any secret that might be dangerous if made public, and properly protecting the interest of the Government.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I would like to continue for just 1 minute.

What this amendment does, of course, is to permit departments to decide for themselves whether they want the Congress as a whole or the public to learn anything about what is going on in their agency; and, under the law as it has been written here, it would be the committees and the Speaker of the House who would decide in the final analysis as to what should be done about this confidential information and certainly not the agency which might be under investigation. As I have just said, of course, here is a perfect example of it. We have had it in our own experience as to where some agency would mark something secret or confidential. I have heard members of the Appropriations and other great committees come to the floor of the House—and the Un-American Activities Committee—and say so. After all, it is up to the Congress to decide whether this information should be made available to every Member of the House.

Mr. JAVITS. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Ohio. I yield.

Mr. JAVITS. Is it not a fact that the gentleman's argument undertakes to differentiate between whether the information should be made public or kept confidential?

Mr. BROWN of Ohio. No; the answer is a definite no.

Here is a paper that has been marked confidential, because, they say, it may embarrass a particular agency and should be held confidential. Now, none of that information could be made available under the gentleman's amendment except to the committee, but the committee would be barred from making it public to the rest of the Members of this House who might have to have it in

order to legislate properly. The effectiveness of the whole act is therefore destroyed.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. JAVITS].

The amendment was rejected.

Mr. COUDERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COUDERT: Page 3, line 23, after the word "repealed" strike out the period and add "*Provided*, That nothing herein contained shall alter any provision of law which expressly protects from disclosure specified categories of information obtained by executive departments and agencies."

Mr. COUDERT. Mr. Chairman, I have offered this amendment rather in the nature of an exploratory operation. By section 3 we purport to repeal all laws inconsistent with existing law which, of course, is the result of this act anyway. It is not at all clear to me what will be repealed and I think it is equally clear that there are provisions of law which we do not want to repeal. I have in mind, for instance, the provisions of the statute governing the secrecy of atomic energy development information. Section 3 of this joint resolution would have the effect of repealing the protection now accorded against disclosure of atomic energy secrets.

There are other forms of information which the executive departments receive that are presently protected by express statutory provision. It may apply to information received by the Census Bureau, for instance, possibly some information received by the Securities and Exchange Commission as well as others. I do not know all of them, but now we propose to blindly repeal sections we do not know anything about and that we do not want to repeal perhaps.

I offer this general amendment to protect from repeal statutes that expressly provide for secrecy in particular cases and I hope the amendment will be accepted by the committee.

Mr. BROWN of Ohio. Mr. Chairman, the committee will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. COUDERT].

The amendment was agreed to.

Mr. MURDOCK. Mr. Chairman, I have not participated in the debate on this measure because important official proceedings elsewhere called for my attendance during most of the time when this measure was being considered by the House. However, I feel that I must express by views on it for the record. I am constrained to vote against the passage of this House joint resolution. I do not entertain much hope that it could be remedied by recommittal to the Committee, but I am opposed to it in its present form.

I listened with great interest to the logical and persuasive argument of the gentleman from Missouri [Mr. BAKEWELL] who offered an amendment that the provisions of this enactment should not extend to Cabinet officers. However, his amendment was voted down. I certainly feel that this legislation, even if it were thought necessary, is going too far when it applies to the members of the President's Cabinet.

The most fundamental feature of our constitutional Government is the tripartite division into the three equal and coordinate departments: namely, the legislative department, the executive department, and the judicial department, as provided for in the first three articles of the Constitution. While we have a system of checks and balances provided for in the Constitution, each department being somewhat limited by the control of it by the other two, I feel that that delicate balance established by the founding fathers would be seriously modified and thrown out of balance, or at least would tend to be thrown out of balance, by the enactment of the provision now before us. For that reason, I am constrained to vote against it.

After each war in recent American history, during which time the legislative department has necessarily been somewhat subordinated to the executive department, it seems there has been an inevitable reaction and the legislative department has retrieved some of the powers which it lost to the executive department during the period of the emergency. Perhaps that is as it should be that the fundamental balance might be restored. However, human nature being what it is, our past experience after each war has been that the legislative department not only quickly retrieved the delegated wartime powers which the executive department exercised during the emergency, but usually has gone further than merely to restore the balance.

The legislative department has sometimes in a vindictive spirit regained its prominence and powers and subordinated the executive department to a corresponding degree. I think I see the same thing happening now as it happened after the First World War, and as it happened after the Civil War. It is a question in my mind how much this conflict between the two great departments is for the good of the country, and how much of it will result in harm. To my mind, the passage of House Joint Resolution 342 would go too far and be harmful. There is no question in my mind but it contains dangerous possibilities which might even be probabilities.

It is not chiefly because I am a Democrat and of the same party as the present Executive administration, and that this enactment, if passed, will be passed by a Republican Congress, that I am in opposition. I do not hold a brief for all of the acts of the Democratic administration during the recent momentous years while I have been a Member of the Congress. I have no desire to shield any wrong-doing in the administrative departments during the recent war or since. I say let investigations be made and questionable acts be revealed to the public under present law. But I think existing law is ample without the enactment of this dangerous resolution.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ALLEN of Illinois, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Joint Resolution 342, directing all executive departments and agencies of the Federal Government to make available to any and all standing, special or select committees of the House of Representatives and the Senate information which may be deemed necessary to enable them to properly perform the duties delegated to them by the Congress, pursuant to House Resolution 575, he reported the joint resolution back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the resolution.

The resolution was ordered to be engrossed and read a third time, and was read the third time.

Mr. McCORMACK. Mr. Speaker, being opposed to the resolution, I offer a motion to recommit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McCORMACK moves that the bill be recommitted to the Committee on Expenditures in the Executive Departments.

Mr. HOFFMAN. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

Mr. McCORMACK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 145, nays 217, not voting 69, as follows:

[Roll No. 63]

YEAS—145

Abbitt	Eberharter	King
Albert	Evins	Lanham
Allen, La.	Fallon	Larcade
Andrews, Ala.	Feighan	Lea
Bakewell	Fernandez	Lesinski
Barden	Flannagan	Lucas
Bates, Ky.	Fogarty	Ludlow
Beckworth	Folger	Lynch
Bland	Foote	McCormack
Blatnik	Forand	McMillan, S. C.
Bloom	Garmatz	Madden
Boggs, La.	Gary	Mahon
Bonner	Gordon	Manasco
Brooks	Gorski	Mansfield
Brown, Ga.	Gossett	Marcantonio
Bryson	Granger	Meade, Ky.
Buchanan	Grant, Ala.	Miller, Conn.
Buckley	Gregory	Mills
Burleson	Hardy	Monroney
Byrne, N. Y.	Harless, Ariz.	Morgan
Camp	Harrison	Morris
Cannon	Hart	Morton
Carroll	Havenner	Multer
Celler	Hays	Murdock
Chapman	Heffernan	Murray, Tenn.
Cheif	Hobbs	Norblad
Colmer	Holifield	Norton
Combs	Huber	O'Brien
Cooley	Isacson	O'Toole
Cooper	Jackson, Wash.	Pace
Courtney	Jenkins, Ohio	Passman
Crosser	Jones, Ala.	Patman
Deane	Jones, N. C.	Peden
Delaney	Karsten, Mo.	Philbin
Dingell	Kelley	Pickett
Domengeaux	Kennedy	Poage
Doughton	Keogh	Preston
Douglas	Kerr	Price, Fla.
Durham	Kilday	Price, Ill.

Priest	Sabath	Thompson
Rains	Sadowski	Vinson
Rayburn	Sasscer	Walter
Redden	Smathers	Wheeler
Regan	Smith, Va.	Whittington
Richards	Somers	Williams
Riley	Spence	Wilson, Tex.
Rivers	Stanley	Worley
Rogers, Fla.	Teague	
Rooney	Thomas, Tex.	

NAYS—217

Allen, Calif.	Gillie	Miller, Md.
Allen, Ill.	Goff	Miller, Nebr.
Andersen, H. Carl	Goodwin	Muhlenberg
	Graham	Mundt
Andrews, N. Y.	Grant, Ind.	Murray, Wis.
Angell	Gross	Nicholson
Arends	Gwinn, N. Y.	Nixon
Arnold	Gwynne, Iowa	Nodar
Auchincloss	Hagen	O'Hara
Banta	Hale	O'Konski
Barrett	Hall, Edwin Arthur	Owens
Bates, Mass.		Patterson
Beall	Hall, Leonard W.	Peterson
Bender		Phillips, Calif.
Bennett, Mich.	Halleck	Potter
Bennett, Mo.	Hand	Potts
Bishop	Harness, Ind.	Poulson
Blackney	Harvey	Ramey
Boggs, Del.	Herter	Rankin
Bolton	Heselton	Reed, Ill.
Bradley	Hess	Reed, N. Y.
Brehm	Hill	Rees
Brophy	Hinshaw	Reeves
Brown, Ohio	Hoeven	Rich
Buck	Hoffman	Riehlman
Buffett	Holmes	Rizley
Burke	Hope	Robertson
Busbey	Horan	Rockwell
Byrnes, Wis.	Hull	Rogers, Mass.
Canfield	Jackson, Calif.	Rohrbough
Carson	Javits	Ross
Case, N. J.	Jenison	Russell
Case, S. Dak.	Jenkins, Pa.	Sadlak
Chadwick	Jensen	Sanborn
Chenoweth	Johnson, Calif.	Sarbacher
Chiperfield	Johnson, Ill.	Schwabe, Mo.
Church	Johnson, Ind.	Schwabe, Okla.
Clason	Jones, Wash.	Scott, Hardie
Coffin	Jonkman	Scott, Hugh D., Jr.
Cole, Kans.	Judd	
Cole, Mo.	Kean	Scrivner
Cole, N. Y.	Keating	Seely-Brown
Corbett	Keefe	Shafer
Cotton	Kersten, Wis.	Short
Cox	Kilburn	Simpson, Ill.
Cravens	Knutson	Simpson, Pa.
Crawford	Kunkel	Smith, Kans.
Crow	Landis	Smith, Maine
Cunningham	Latham	Smith, Wis.
Curtis	LeCompte	Snyder
Dague	LeFevre	Stefan
Davis, Ga.	Lemke	Stevenson
Davis, Wis.	Lewis, Ohio	Stockman
Dawson, Utah	Lodge	Sundstrom
Devitt	Love	Taber
Dolliver	McConnell	Talle
Dondero	McCowen	Tibbott
Eaton	McCulloch	Tollefson
Elliott	McDonough	Towe
Ellis	McDowell	Twyman
Ellsworth	McGarvey	Vail
Elsaesser	McGregor	Van Zandt
Elston	McMahon	Vorys
Engel, Mich.	McMillen, Ill.	Vursell
Fellows	Mack	Wadsworth
Fenton	MacKinnon	Weichel
Fletcher	Macy	Wigglesworth
Fuller	Maloney	Wilson, Ind.
Fulton	Martin, Iowa	Wolcott
Gamble	Mason	Wolverton
Gathings	Mathews	Wood
Gavin	Merrow	Woodruff
Gearhart	Meyer	Youngblood
Gillette	Michener	

NOT VOTING—69

Abernethy	Dirksen	Kearney
Anderson, Calif.	Donohue	Kearns
Andresen, August H.	Dorn	Kee
	Engle, Calif.	Kefauver
Battle	Fisher	Kirwan
Bell	Gallagher	Klein
Boykin	Gore	Lane
Bramblett	Griffiths	Lewis, Ky.
Bulwinkle	Harris	Lichtenwalter
Butler	Hartley	Lusk
Clark	Hébert	Lyle
Clevenger	Hedrick	Meade, Md.
Clippinger	Hendricks	Miller, Calif.
Coudert	Jarman	Mitchell
Davis, Tenn.	Jennings	Morrison
Dawson, Ill.	Johnson, Okla.	Norrell
D'Ewart	Johnson, Tex.	Pfeifer
Phillips, Tenn.	Sikes	Welch
Ploeser	Smith, Ohio	West
Plumley	Stigler	Whitaker
Powell	Stratton	Whitten
St. George	Taylor	Winstead
Scoblick	Thomas, N. J.	
Sheppard	Trimble	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Klein for, with Mr. Ploeser against.
Mr. Whitaker for, with Mr. Welch against.
Mr. Gore for, with Mr. Thomas of New Jersey against.
Mr. Donohue for, with Mr. Hartley against.
Mr. Pfeifer for, with Mr. Kearns against.
Mr. Engle of California for, with Mr. Gallagher against.
Mr. Miller of California for, with Mr. Coudert against.
Mr. Abernethy for, with Mr. Lichtenwalter against.
Mr. Kirwan for, with Mr. Anderson of California against.
Mr. Davis of Tennessee for, with Mr. D'Ewart against.
Mr. Harris for, with Mr. Jennings against.
Mr. Whitten for, with Mr. Plumley against.
Mr. Kee for, with Mr. Clippinger against.
Mr. Powell for, with Mr. Mitchell against.
Mr. Sikes for, with Mrs. St. George against.
Mr. Norrell for, with Mr. Scoblick against.
Mr. Hedrick for, with Mr. Stratton against.
Mr. Kefauver for, with Mr. Taylor against.
Mr. Dorn for, with Mr. Kearney against.

General pairs until further notice:

Mr. Butler with Mr. Morrison.
Mr. Bramblett with Mr. Rivers.
Mr. Phillips of Tennessee with Mr. Fisher.
Mr. Smith of Ohio with Mr. Johnson of Oklahoma.
Mr. Griffiths with Mr. Battle.
Mr. Clevenger with Mr. Bell.
Mr. H. Carl Andersen with Mr. Boykin.
Mr. Dirksen with Mr. Lane.
Mr. August H. Andresen with Mr. Hébert.

Mr. SMITH of Virginia changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the passage of the bill.

Mr. HOFFMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 219, nays, 142, not voting 70, as follows:

[Roll No. 64]

YEAS—219

Allen, Calif.	Busbey	Dolliver
Allen, Ill.	Byrnes, Wis.	Domengeaux
Andersen, H. Carl	Canfield	Dondero
	Carson	Eaton
Andresen, August H.	Case, N. J.	Elliott
	Case, S. Dak.	Ellis
Angell	Chadwick	Ellsworth
Arends	Chenoweth	Elsaesser
Arnold	Chiperfield	Elston
Auchincloss	Church	Engel, Mich.
Banta	Clason	Fellows
Barrett	Coffin	Fenton
Bates, Mass.	Cole, Kans.	Fletcher
Beall	Cole, Mo.	Fuller
Bender	Cole, N. Y.	Fulton
Bennett, Mich.	Corbett	Gamble
Bennett, Mo.	Cotton	Gathings
Bishop	Cox	Gavin
Blackney	Cravens	Gearhart
Boggs, Del.	Crawford	Gillette
Bolton	Crow	Gillie
Bradley	Cunningham	Goff
Brehm	Curtis	Goodwin
Brophy	Dague	Graham
Brown, Ohio	Davis, Ga.	Grant, Ind.
Buck	Davis, Wis.	Gross
Buffett	Dawson, Utah	Gwinn, N. Y.
Burke	Devitt	Gwynne, Iowa
Hagen	Lodge	Rockwell
Hale	Love	Rogers, Mass.
Hall, Edwin Arthur	McConnell	Rohrbough
	McCowen	Ross
Hall, Leonard W.	McCulloch	Russell
	McDonough	Sadlak
Halleck	McDowell	Sanborn
Hand	McGarvey	Sarbacher
Harness, Ind.	McGregor	Schwabe, Mo.
Harvey	McMahon	Schwabe, Okla.
Herter	McMillen, Ill.	Scott, Hardie
Heselton	Mack	Scott, Hugh D., Jr.
Hess	MacKinnon	
Hill	Macy	Scrivner
Hinshaw	Maloney	Seely-Brown
Hoeven	Martin, Iowa	Shafer
Hoffman	Mason	Short
Holmes	Mathews	Simpson, Ill.
Hope	Merrow	Simpson, Pa.
Horan	Meyer	Smith, Kans.
Hull	Michener	Smith, Maine
Jackson, Calif.	Miller, Md.	Smith, Wis.
Javits	Miller, Nebr.	Snyder
Jenison	Muhlenberg	Stefan
Jenkins, Pa.	Mundt	Stevenson
Jensen	Murray, Wis.	Stockman
Johnson, Calif.	Nicholson	Sundstrom
Johnson, Ill.	Nixon	Taber
Johnson, Ind.	Nodar	Talle
Jones, Wash.	O'Hara	Tibbott
Jonkman	O'Konski	Tollefson
Judd	Owens	Towe
Kean	Patterson	Twyman
Keating	Phillips, Calif.	Vail
Keefe	Potter	Van Zandt
Kersten, Wis.	Potts	Vorys
Kilburn	Poulson	Vursell
Knutson	Ramey	Wadsworth
Kunkel	Rankin	Weichel
Landis	Reed, Ill.	Wigglesworth
Latham	Reed, N. Y.	Wilson, Ind.
Lea	Rees	Wolcott
LeCompte	Reeves	Wolverton
LeFevre	Rich	Wood
Lemke	Riehlman	Woodruff
Lewis, Ky.	Rizley	Youngblood
Lewis, Ohio	Robertson	

NAYS—142

Abbitt	Gary	Morton
Albert	Gordon	Murdock
Allen, La.	Gorski	Murray, Tenn.
Andrews, Ala.	Gossett	Norblad
Bakewell	Granger	Norton
Barden	Grant, Ala.	O'Brien
Bates, Ky.	Gregory	O'Toole
Beckworth	Hardy	Pace
Bland	Harless, Ariz.	Passman
Blatnik	Harrison	Patman
Bloom	Hart	Peden
Boggs, La.	Havenner	Philbin
Bonner	Hays	Pickett
Brooks	Heffernan	Poage
Brown, Ga.	Hobbs	Preston
Bryson	Holifield	Price, Fla.
Buchanan	Huber	Price, Ill.
Buckley	Isacson	Priest
Burleson	Jackson, Wash.	Rains
Byrne, N. Y.	Jenkins, Ohio	Rayburn
Camp	Jones, Ala.	Redden
Cannon	Jones, N. C.	Regan
Carroll	Karsten, Mo.	Richards
Celler	Kelley	Riley
Chapman	Kennedy	Rivers
Chelf	Keogh	Rogers, Fla.
Colmer	Kerr	Rooney
Combs	Kilday	Sabath
Cooley	King	Sadowski
Cooper	Lanham	Sasscer
Courtney	Larcade	Smathers
Crosser	Lesinski	Smith, Ohio
Deane	Lucas	Smith, Va.
Delaney	Ludlow	Somers
Dingell	Lynch	Spence
Doughton	McCormack	Stanley
Douglas	McMillan, S. C.	Teague
Durham	Madden	Thomas, Tex.
Eberharter	Mahon	Thompson
Evins	Manasco	Vinson
Fallon	Mansfield	Walter
Feighan	Marcantonio	Wheeler
Flannagan	Meade, Ky.	Whittington
Fogarty	Miller, Conn.	Williams
Folger	Mills	Wilson, Tex.
Foote	Monroney	Worley
Forand	Morgan	
Garmatz	Morris	

NOT VOTING—70

Abernethy	Bramblett	Coudert
Anderson, Calif.	Bulwinkle	Davis, Tenn.
Andrews, N. Y.	Butler	Dawson, Ill.
Battle	Clark	D'Ewart
Bell	Clevenger	Dirksen
Boykin	Clippinger	Donohue

Dorn	Kee	Plumley
Engle, Calif.	Kefauver	Powell
Fernandez	Kirwan	St. George
Fisher	Klein	Scoblick
Gallagher	Lane	Sheppard
Gore	Lichtenwalter	Sikes
Griffiths	Lusk	Stigler
Harris	Lyle	Stratton
Hartley	Meade, Md.	Taylor
Hébert	Miller, Calif.	Thomas, N. J.
Hedrick	Mitchell	Trimble
Hendricks	Morrison	Welch
Jarman	Multer	West
Jennings	Norrell	Whitaker
Johnson, Okla.	Peterson	Whitten
Johnson, Tex.	Pfeifer	Winstead
Kearney	Phillips, Tenn.	
Kearns	Ploeser	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Ploeser for, with Mr. Klein against.

Mr. Welch for, with Mr. Whitaker against.

Mr. Thomas of New Jersey for, with Mr. Gore against.

Mr. Hartley for, with Mr. Donohue against.

Mr. Kearns for, with Mr. Pfeifer against.

Mr. Gallagher for, with Mr. Engle of California against.

Mr. Coudert for, with Mr. Miller of California against.

Mr. Lichtenwalter for, with Mr. Abernethy against.

Mr. Anderson of California for, with Mr. Kirwan against.

Mr. D'Ewart for, with Mr. Davis of Tennessee against.

Mr. Jennings for, with Mr. Harris against.

Mr. Plumley for, with Mr. Whitten against.

Mr. Clippinger for, with Mr. Kee against.

Mr. Mitchell for, with Mr. Powell against.

Mrs. St. George for, with Mr. Sikes against.

Mr. Scoblick for, with Mr. Norrell against.

Mr. Stratton for, with Mr. Hedrick against.

Mr. Taylor for, with Mr. Kefauver against.

Mr. Kearney for, with Mr. Dorn against.

Mr. Hébert for, with Mr. Sheppard against.

Mr. Andrews of New York for, with Mr. Winstead against.

Additional general pairs:

Mr. Griffiths with Mr. Rivers.

Mr. Clevenger with Mr. Morrison.

Mr. Bramblett with Mr. Lane.

Mr. Phillips of Tennessee with Mr. Battle.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. BROWN of Ohio. Mr. Speaker, I ask unanimous consent that all Members of the House may have five legislative days in which to extend their remarks in the RECORD on the legislation just passed, House Joint Resolution 342.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Carrell, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2287) entitled "An act to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes."

REPORT OF HOUSE COMMITTEE ON POST OFFICE AND CIVIL SERVICE ON AIR-MAIL SUBSIDY

Mr. REES. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Kansas?

There was no objection.

Mr. REES. Mr. Speaker, today, on behalf of the Post Office and Civil Service Committee, I filed a report covering the subsidy paid to the air lines out of Post Office Department funds. This subsidy, it is estimated, amounts to between $15,000,000 and $17,000,000 annually.

In fiscal year 1947, expenditures for handling air mail exceeded revenues by $30,342,275. It can be seen that the subsidy paid to the air lines out of postal funds has a direct effect upon the large postal deficit which will this year amount to $375,000,000. The findings of the committee point to the fact that conditions have developed in handling the air-mail subsidy from postal funds similar to those which existed when the merchant marine subsidy was paid by the Post Office Department. As a result of abuses in the merchant marine subsidy, the Merchant Marine Act of 1936 was passed which provided that such subsidies as were given to the merchant marine would be separated from the postal funds and be paid pursuant to specific appropriations. A comparable change in the manner of subsidizing our air lines is needed. I should like to direct the attention of the House and particularly the members of the Appropriations Committee, to the recommendation that such subsidies as are necessary to carry out our air-line policies be made pursuant to direct appropriations and subject to the scrutiny of the Appropriations Committees of Congress. The Post Office Department should no longer be an unlimited source of funds which can be drawn upon at will by the Civil Aeronautics Board to carry out expensive experiments in our air-line pattern.

One of the extravagant policies of the Department which was the basis for the committee arriving at its conclusions is the feeder-line program. A high percentage of mail carried by feeder lines could be carried by trunk lines at a much reduced cost. The committee points out, for example, that Braniff and Pioneer air lines serve the same area. Braniff in 9 months of 1947 received $325,247.52 for carrying 543,978 ton-miles of mail. Pioneer received $752,153.68 for carrying 26,669 ton-miles of mail. In other words, Pioneer received more than twice as much money for carrying one-twentieth as much mail.

In a recent order—May 11, 1948—the Civil Aeronautics Board authorized a lump-sum payment of $1,893,658 to the Southwest Airways which is a feeder line. Nine hundred thirty-six thousand dollars of this amount represented an addition to mail pay already received. This payment is to cover the period December 2, 1946, to March 31, 1948. During that period this line carried 45,031 ton-miles of mail. As a comparison, it is pointed out that a service rate carrier would have transported over 4,200,000 ton-miles for this amount of money.

There is no relationship between the salaries paid officers of air lines and the size of their operation. For example, in a recent year one air line paid $50,000 in officers' salaries and at the same time was operating only two planes. Also at this time, more than 30 percent of this air line's operating revenue was derived from air-mail pay.

Another air line operating only three planes paid its officers, in the same year, over $40,000. This air line was also receiving more than 30 percent of its revenue from air-mail pay.

Under the policy of the Civil Aeronautics Board to grant air-mail pay based on need rather than services performed, the Department has been called upon to pay excessive costs for carrying mail. Factors in these high costs are the high salaries of officers, stock warrants, and options given to officers, together with losses from poor management and overexpansion. In this report, the committee points out that when an industry is subsidized, a closer control of the capital structure is necessary than with an unsubsidized industry, because in the final analysis a portion of these expenditures are from Federal funds.

Recent actions by the Civil Aeronautics Board point toward an even greater diversion of postal funds to make up for the bad guesses of the air lines and the Board. Five million dollars annually has just been granted in increases to the service rate carriers. Four of the five carriers will receive this increase retroactively to January 1, 1948. The other receives it beginning May 19, 1948.

Mr. Speaker, one of the cornerstones of representative government is that Government funds may be spent only pursuant to appropriations. In the present Civil Aeronautics Board set-up we are permitting the spending of funds before approval of appropriations, and are giving our tacit consent to the questioned practice of deficiency appropriations. Also, by failing to separate the subsidy from air-mail pay we are keeping an iron curtain between the people and the amount spent on our aviation policy.

HOUR OF MEETING TOMORROW

Mr. HALLECK. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

LEGISLATIVE PROGRAM

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. Mr. Speaker, it is expected that a rule will be called up tomorrow when we meet at 11 and that general debate on the so-called Mundt bill, H. R. 5852, will be concluded tomorrow. If that is accomplished, it is our plan to adjourn until Monday.

Monday, of course, has been designated as the day for the holding of memorial services for deceased Members. That is all that will be taken up on Monday.

On Tuesday we propose to call both the Private and Consent Calendars, after which we will begin reading the Mundt bill, H. R. 5852, for amendment.

INTERSTATE COMPACT KILLED

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, for the first time in the history of our Nation an interstate compact has been killed.

The Southern Governors Conference entered into a compact for regional education within the area of the participating States, without expense to the National Government. Appropriate resolutions, seeking the consent of Congress, as required by the Constitution of the United States, were duly introduced in both Houses of Congress.

The House of Representatives, by a record vote of 236 to 45, passed House Joint Resolution 334, giving its consent to that compact on May 4, 1948.

The House is to be congratulated.

Today by a vote of 38 to 37, that compact was killed. One hundred and one of 102 compacts have been granted the consent of Congress.

COMMITTEE ON WAYS AND MEANS

Mr. KNUTSON. Mr. Speaker, I ask unanimous consent that the Ways and Means Committee may have permission to sit tomorrow until 12 o'clock noon.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXTENSION OF REMARKS

Mr. REEVES asked and was given permission to revise and extend his remarks in the Appendix of the RECORD and include a summary of certain veterans' laws and a statement concerning the DAV.

H. R. 6446

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that the bill H. R. 6446, previously referred to the Committee on Public Lands, be rereferred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EXTENSION OF REMARKS

Mr. ISACSON asked and was given permission to extend his remarks in the Appendix of the RECORD and include a speech by Rabbi Dr. Jacob Hochman.

Mr. OWENS asked and was given permission to revise and extend his remarks in the RECORD.

CORRECTION OF ENROLLED BILL

Mr. WEICHEL. Mr. Speaker, I ask unanimous consent for the immediate consideration of House Concurrent Resolution 200.

The Clerk read the title of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H. R. 3350, an act relating to the rules for the prevention of collisions on certain inland waters of the United States and on the western rivers, and for other purposes, the Clerk of the House is authorized and directed to make the following corrections:

Strike out in lines 5 and 9, page 12 of the engrossed bill, the words "Secretary of War" and insert "Secretary of the Army."

The SPEAKER. The question is on the resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HESELTON asked and was given permisison to extend his remarks in the RECORD and include a magazine article.

Mr. GWINN of New York asked and was given permission to extend his remarks in the RECORD and include a letter.

BERMUDA PARLIAMENTARY CONFERENCE

The SPEAKER laid before the House the following communication:

HOUSE OF ASSEMBLY,
Bermuda, April 7, 1948.

The Hon. JOSEPH W. MARTIN, Jr.,
Member of Congress, Speaker of the House of Representatives, Washington, D. C.

DEAR MR. SPEAKER MARTIN: As Speaker of the House of Assembly of the Parliament of Bermuda and joint president of the Bermuda banch of the Empire Parliamentary Association, I am writing to you to extend an invitation for four Members of your House of Representatives to visit Bermuda for a period of about 10 days from November 15, next.

During that time the Bermuda branch, in cooperation with the branch of the association in the Parliament of the United Kingdom, and with the British-American parliamentary group, will be entertained in the colony delegations of members of all parties from the Parliaments of the United Kingdom, Canada, Australian Commonwealth, New Zealand, and the Union of South Africa, and possibly also representatives from the Parliaments of India and Pakistan.

The Bermuda branch of the association were delighted to have the privilege of arranging the parliamentary gathering in Bermuda in 1946, when a delegation from both Houses of the Congress took part in an informal conference at Hamilton with representatives of the Parliaments of the British Commonwealth. If this invitation for November next is accepted, it is proposed to provide opportunities during the visit for similar informal conferences at which matters of common interest may be discussed.

The members of the Parliament of Bermuda were interested to hear that it was intended to hold a parliamentary conference in Bahamas in December last, but that for various reasons this conference had to be postponed. It was hoped at that time that the conference might be transferred to Bermuda and suggestions were made to that effect, but unfortunately sufficient time was not available for the transference to be effected. While any delegation from your House will of course be most welcome, it is naturally hoped that those Members who were chosen to go to the Bahamas may be able to attend as the delegates to the conference in November.

I take the opportunity of extending to you personally my most cordial greeting and an expression of deep admiration and respect.

Yours sincerely.

REGINALD CONYERS
(The Honorable Sir Reginald Conyers, CBE, Speaker, House of Assembly, and Joint President of the Bermuda Branch of the Empire Parliamentary Association).

Mr. HALLECK. Mr. Speaker, I offer a resolution (H. Con. Res. 201) and ask for its immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the Senate and the House of Representatives hereby accept the invitations tendered by the Speaker of the House of Assembly of Bermuda and joint president of the Bermuda branch of the Empire Parliamentary Association to have four Members of the Senate and four Members of the House of Representatives attend a meeting of the Empire Parliamentary Association to be held in Bermuda beginning November 15, 1948. The President pro tempore of the Senate and the Speaker of the House of Representatives are authorized to appoint the Members of the Senate and the Members of the House of Representatives, respectively, to attend such meeting, and are further authorized to designate the chairmen of the delegations from each of the Houses. The expenses incurred by the members of the delegations appointed for the purpose of attending such meeting, which shall not exceed $5,000 for each of the delegations, shall be reimbursed to them from the contingent fund of the House of which they are Members, upon submission of vouchers approved by the chairman of the delegation of which they are members.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PRESIDENTIAL INAUGURATION

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 48, Eightieth Congress, the Chair appoints as members of the Joint Committee to Make the Necessary Arrangements for the Inauguration of the President-Elect of the United States on the 20th day of January 1949 the following Members on the part of the House: Mr. HALLECK, Mr. ARENDS, Mr. MCCORMACK.

VETERANS' HOMESTEAD HOUSING BILL

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, since September 1947, the number of GI home-loan applications have dropped 43 percent. This does not indicate for a moment that our former servicemen do not want homes. It simply means that it is becoming increasingly difficult to find lending institutions which are willing and able to provide mortgages at the prescribed GI rate of 4 percent.

To aid in solving the housing problem and to meet the situation I have described, the Committee on Veterans' Affairs has reported H. R. 4488, Veterans' Homestead Housing Act, an amendment

to the GI bill, introduced by me and 29 other Members of Congress at the request of the American Legion. Among other things, it would assure our veterans necessary funds for the purchase and construction of homes and provide a secondary market. This latter feature is expected to give more incentive for lending institutions to invest in GI mortgages.

To meet the need for funds for GI loans, the veterans' homestead bill which is now pending on the Union Calendar would make $750,000,000 available annually for 5 years for use by the Home Loan Bank Board to make investments in savings banks, cooperative banks, building and loan associations, and other organizations so as to provide the necessary financing. In distributing these funds preference would be given to those institutions willing to make 100 percent loans on a general individual limitation of $9,000 or not more than $10,000. I believe that these and other provisions will do much toward providing the badly needed homes for our veterans. The bill which was unanimously reported out of the Committee on Veterans' Affairs has many endorsements both by veterans and by Government departments and by businessmen. It is self-liquidating and will insure a reasonably low rate of interest to the veterans. I have asked the Rules Committee for a rule.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. LANE (at the request of Mr. MCCORMACK), for an indefinite period, on account of illness.

To Mr. FORAND, for the balance of the week, to attend as a member of the Board of Visitors to the Coast Guard Academy.

To Mr. MILLER of Maryland, for 3 days, on account of official business.

ENROLLED BILLS SIGNED

Mr. LECOMPTE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 3505. An act authorizing an appropriation for investigating the oyster beds damaged or destroyed by the intrusion of fresh water and the blockage of natural passages west of the Mississippi River in the vicinity of Lake Mechant and Bayou Severin, Terrebonne Parish, La., and by the opening of the Bonnet Carre spillway, and for other purposes; and

H. R. 4892. An act to amend the act of July 23, 1947 (61 Stat. 409) (Public Law No. 219 of the 80th Cong.).

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2287. An act to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes.

ADJOURNMENT

Mr. HALLECK. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 52 minutes p. m.) the House, under its previous order, adjourned until tomorrow, Friday, May 14, 1948, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1551. A letter from the Acting Secretary of the Interior, transmitting a volume containing the acts of the fourth and fifth special sessions of the Sixteenth Legislature of Puerto Rico, June 23 to July 5 and November 24 to 29, 1947; to the Committee on Public Lands.

1552. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the fiscal year 1949 in the amount of $2,434,441,000 for the National Military Establishment (H. Doc. No. 652); to the Committee on Appropriations and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHORT: Committee on Armed Services. S. 1723. An act to amend the acts authorizing the courses of instruction at the United States Naval Academy and the United States Military Academy to be given to a limited number of persons from the American Republics so as to permit such courses of instruction to be given to Canadians; with an amendment (Rept. No. 1951). Referred to the Committee of the Whole House on the State of the Union.

Mr. SHORT: Committee on Armed Services. S. 1571. An act to promote the national defense by increasing the membership of the National Advisory Committee for Aeronautics, and for other purposes; without amendment (Rept. No. 1952). Referred to the Committee of the Whole House on the State of the Union.

Mr. REES: Committee on Post Office and Civil Service. H. R. 6441. A bill to create the Board of Postal Rates and Fees in the Post Office Department; with an amendment (Rept. No. 1957). Referred to the Committee of the Whole House on the State of the Union.

Mr. REES: Committee on Post Office and Civil Service. Report on air subsidy; without amendment (Rept. No. 1958). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FELLOWS: Committee on the Judiciary. S. 188. An act for the relief of Dionisio R. Trevino; without amendment (Rept. No. 1953). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. S. 511. An act for the relief of Francisco Gamboa Giocoechea; without amendment (Rept. No. 1954). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. S. 1451. An act for the relief of Perfecto M. Biason and Joan Biason; without amendment (Rept. No. 1955). Referred to the Committee of the Whole House.

Mr. FELLOWS: Committee on the Judiciary. S. 1637. An act for the relief of Leo Hamermann; without amendment (Rept. No. 1956). Referred to the Committee of the Whole House.

CHANGE OF REFERENCE

Under clause 2 of rule XXII, the Committee on Public Lands was discharged from the consideration of the bill (H. R. 6446) to grant a certain parcel of land in St. Louis County, Minn., to the University of Minnesota, and the same was referred to the Committee on Merchant Marine and Fisheries.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDREWS of New York:

H. R. 6546. A bill to authorize the President to permit nationals of other nations to receive instruction and training in schools, training establishments, ships, units, and other installations maintained or administered by Department of the Army, the Department of the Navy, the Department of the Air Force, or the United States Coast Guard; to the Committee on Armed Services.

By Mr. MCMAHON:

H. R. 6547. A bill to provide for the mobilization of the scientific resources and knowledge of the United States for the purpose of seeking the causes and cure of heart disease and related blood diseases; to the Committee on Interstate and Foreign Commerce.

By Mr. KNUTSON:

H. R. 6548. A bill to place an import duty on cotton and remove existing cotton import quotas; to the Committee on Ways and Means.

By Mr. O'HARA:

H. R. 6549. A bill to provide retirement pay and other benefits to certain disabled veterans of the Spanish-American War, the Philippine Insurrection, and the Boxer Rebellion; to the Committee on Veterans' Affairs.

By Mrs. ROGERS of Massachusetts (by request):

H. R. 6550. A bill to provide that all employees of the Veterans' Canteen Service shall be paid from funds of the Service, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BROOKS:

H. R. 6551. A bill to provide a revolving fund for the purchase of agricultural commodities and raw materials to be processed in occupied areas and sold; to the Committee on Armed Services.

By Mr. SHAFER (by request):

H. R. 6552. A bill to amend section 1700 (e) (1) of the Internal Revenue Code, as amended; to the Committee on Ways and Means.

By Mr. BARTLETT:

H. R. 6553. A bill to confer jurisdiction upon the Court of Claims to determine the amounts due to and render judgment upon the claims of the employees of the Alaska Railroad for overtime work performed; to the Committee on the Judiciary.

By Mr. HOLIFIELD:

H. R. 6554. A bill to protect the United States against un-American and subversive totalitarian activities; to the Committee on Un-American Activities.

By Mr. BUCHANAN:

H. R. 6555. A bill to relax, in certain cases, the standards for the admission of veterans to the bar of the District of Columbia; to the Committee on the District of Columbia.

By Mr. GEARHART:

H. R. 6556. A bill to extend the authority of the President under section 350 of the Tariff Act of 1930, as amended, and for other purposes; to the Committee on Ways and Means.

By Mr. ROSS:

H. R. 6557. A bill to amend the act approved May 17, 1926, as amended by Public

Law 439, Seventy-eighth Congress, approved September 27, 1944, which defines line of duty and misconduct for pension and compensation purposes; to the Committee on Veterans' Affairs.

By Mr. BARTLETT:

H. J. Res. 401. Joint resolution to continue until December 31, 1953, the authority of the United States Maritime Commission to make provision for certain ocean transportation services to, from, and within Alaska; to the Committee on Merchant Marine and Fisheries.

By Mr. LYNCH:

H. J. Res. 402. Joint resolution to exempt from levy of admissions tax the International Air Exposition and the Golden Anniversary Educational Exposition, being produced by the city of New York through the Mayor's Committee for the Commemoration of the Golden Anniversary of the City of New York; to the Committee on Ways and Means.

By Mr. COMBS:

H. Con. Res. 198. Concurrent resolution to create a joint committee to formulate rules with respect to the powers, duties, and procedures of investigating committees of either House of Congress; to the Committee on Rules.

By Mr. McDOWELL:

H. Con. Res. 199. Concurrent resolution authorizing the printing of additional copies of the report (H. Rept. No. 1920) on the Communist Party of the United States as an advocate of overthrow of government by force and violence; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CARROLL:

H. R. 6558. A bill for the relief of Harry B. Landers; to the Committee on the Judiciary.

H. R. 6559. A bill conferring United States citizenship posthumously upon Vaso B. Benderach; to the Committee on the Judiciary.

By Mr. GRANT of Indiana:

H. R. 6560. A bill for the relief of the former shareholders of the Goshen Veneer Co., an Indiana corporation; to the Committee on the Judiciary.

By Mr. SADLAK:

H. R. 6561. A bill for the relief of Stanley John Rybczyk; to the Committee on the Judiciary.

By Mr. HAVENNER:

H. R. 6562. A bill for the relief of James G. Smyth; to the Committee on the Judiciary.

By Mr. MORRISON:

H. R. 6563. A bill for the relief of Mary Wyshoff; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1913. By Mr. BOGGS of Delaware: Petition of postal employees, their friends and relatives, of the Wilmington post office, Wilmington, Del., containing 181 signatures and urging prompt favorable action by the Congress on the salary-increase bill for postal employees; to the Committee on Post Office and Civil Service.

1914. By Mr. HART: Memorial of the State of New Jersey, urging the Congress of the United States to adopt legislation amending the Bankruptcy Act; to the Committee on the Judiciary.

1915. By Mr. SMITH of Wisconsin: Resolution of members of Shopiere Congregational Church, Shopiere, Wis., in opposition to universal military training and conscription; to the Committee on Armed Services.

1916. By the SPEAKER: Petition of Muhel Nassiff and others, petitioning consideration of their resolution with reference to increasing wages for Federal workers; to the Committee on Post Office and Civil Service.

1917. Also, petition of Mrs. A. Dework and others, petitioning consideration of their resolution with reference to defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1918. Also, petition of M. Simon and others, petitioning consideration of their resolution with reference to defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1919. Also, petition of Rise Wortman and others, petitioning consideration of their resolution with reference to defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1920. Also, petition of Judeth Liebimen and others, petitioning consideration of their resolution with reference to defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1921. Also, petition of Edith Wise and others, petitioning consideration of their resolution with reference to defeat of the legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1922. Also, petition of Matilde Monteregro and others, petitioning consideration of their resolution with reference to the defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1923. Also, petition of Ann Dunbar Williams and others, petitioning consideration of their resolution with reference to protesting the Mundt-Nixon bill; to the Committee on Un-American Activities.

1924. Also, petition of Mrs. Albina Bibeau, St. Petersburg, Fla., and others, petitioning consideration of their resolution with reference to endorsement of the Townsend plan, H. R. 16; to the Committee on Ways and Means.

1925. Also, petition of Bertha Gillman and others, petitioning consideration of their resolution with reference to enactment into law House Joint Resolution 343 which lifts the arms embargo to Palestine Jewry; to the Committee on Foreign Affairs.

1926. Also, petition of American Labor Party—First Assembly, petitioning consideration of their resolution with reference to the defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

1927. Also, petition of Emily Ginsburg and others, petitioning consideration of their resolution with reference to defeat of legislation titled "The Subversive Activities Control Act"; to the Committee on Un-American Activities.

SENATE

FRIDAY, MAY 14, 1948

(Legislative day of Monday, May 10, 1948)

The Senate met in executive session at 12 o'clock noon, on the expiration of the recess.

The Chaplain, Rev. Peter Marshall, D. D., offered the following prayer:

Our Father in Heaven, humbly we bow in prayer this day, feeling the deep loss of our Nation and the Senate in the call that has summoned our brother into that life where age shall not weary nor the years condemn.

Knowing in whom he placed his trust, we know that his faith was well founded.

We pray for those who loved him best and will miss him most. May they have the comforting ministry of Him who shall wipe away all tears from their eyes and is able to bind up broken hearts.

So teach us to number our days that we may apply our hearts unto wisdom.

May our sympathies be warm and real, and in our great loss may we learn better how to love one another, through Him who has promised, *Whosoever liveth and believeth in Me shall never die. Because I live, ye shall live also.* Amen.

THE JOURNAL

On request of Mr. WHERRY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, May 13, 1948, was dispensed with, and the Journal was approved.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had passed the following bill and joint resolution, in which it requested the concurrence of the Senate:

H. R. 6500. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1949, and for other purposes; and

H. J. Res. 342. Joint resolution directing all executive departments and agencies of the Federal Government to make available to any and all standing, special, or select committees of the House of Representatives and the Senate information which may be deemed necessary to enable them to properly perform the duties delegated to them by the Congress.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 200. Concurrent resolution authorizing the Clerk of the House to make corrections in the enrollment of H. R. 3350; and

H. Con. Res. 201. Concurrent resolution accepting the invitation to attend the meeting of the Empire Parliamentary Association in Bermuda.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the President pro tempore:

S. 2287. An act to amend the Reconstruction Finance Corporation Act, as amended, and for other purposes;

H. R. 1308. An act for the relief of H. C. Biering;

H. R. 4966. An act directing the Secretary of the Interior to sell and lease certain houses, apartments, and lands in Boulder City, Nev.;

H. R. 5669. An act to provide for adjustment of irrigation charges on the Flathead Indian irrigation project, Montana, and for other purposes; and

H. R. 6067. An act authorizing the execution of an amendatory repayment contract with the Northport irrigation district, and for other purposes.

HOUSE BILL AND JOINT RESOLUTION REFERRED

The following bill and joint resolution were each read twice by their titles and referred as indicated:

H. R. 6500. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1949, and for other purposes; to the Committee on Appropriations.